DOCUMENT RESUME

ED 415 586 EA 028 867

AUTHOR Futernick, Ken; Arnstine, Barbara; Hodson, Timothy A.
TITLE Who Should Control the Behavior of Minors? A Focus on Attendance, Association, and Appearance. The LegiSchool Project. A Town Hall Meeting.
INSTITUTION California State Univ., Sacramento.; California State Legislature, Sacramento. Assembly.
PUB DATE 1997-05-00
NOTE 66p.
AVAILABLE FROM Senate Publications, 1020 N Street, Room B-53, Sacramento, CA 95814 (Stock Number 909-S, $3.25, checks payable to Senate Rules Committee).
PUB TYPE Legal/Legislative/Regulatory Materials (090) -- Reports - Evaluative (142)
EDRS PRICE EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Adolescents; *Child Responsibility; Delinquency; Freedom; Hearings; High Schools; *Parent Child Relationship; *Parent Responsibility; Peer Groups; Social Values; Student Behavior; Truancy
IDENTIFIERS *Adolescent Behavior; Body Piercing; California; *Physical Appearance; Tattoos

ABSTRACT

The LegiSchool Project, a collaboration between the California State University, Sacramento, and the California State Legislature, scheduled a town-hall meeting to discuss areas in which adults feel they must control the behavior of young people. Materials for educating meeting participants are contained in this report. Participants, which included students from Northern California high schools, focused on three areas: attendance (prohibitions against truancy), association (youth being out unsupervised at night), and appearance (body piercing and tattooing). The report is divided into these three areas of concerns. Each section features a variety of background materials (legislative initiatives, news articles, and critical questions), all of which were designed to inform participants of the many issues surrounding these concerns and to stimulate discussion. Some of the questions receiving the most attention address parents' responsibility for their children's truancy, the advantages and the risks in controlling children's free time, and the issues of privacy and choice when students are trying to express themselves through their appearance. (RJM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

EA

ED 415 586

A Town Hall Meeting

Who Should Control the Behavior of Minors? A Focus on Attendance, Association and Appearance

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN OTHER THAN PAPER COPY HAS BEEN GRANTED BY

Ellen McKean

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

U S DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it

☐ Minor changes have been made to improve reproduction quality

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

California State Capitol
Spring 1997

The LegiSchool Project

This event is a production of The LegiSchool Project: an educational collaboration between the California State University, Sacramento and the California State Legislature.

EA 028 867

BEST COPY AVAILABLE

The LegiSchool Project

Who Should Control the Behavior of Minors? A Focus on Attendance, Association and Appearance

Dr. Ken Futernick, Project Director & Editor

Dr. Barbara Arnstine, Moderator & Editor

Dr. Timothy A. Hodson, Project Administration

The LegiSchool Project

Spring 1997

Dear Town Hall Meeting Participants:

This Spring, the LegiSchool Project will conduct the sixth in a series of televised Town Hall Meetings from the State Capitol in Sacramento. Once again, the meeting will be broadcast live via cable by the California Channel.

The purpose of these meetings is to provide a forum in which California high school students, educators, and legislators can engage in face-to-face dialogue about problems of mutual interest. The topic for this Town Hall Meeting is, *Who Should Control the Behavior of Minors? A Focus on Attendance, Association and Appearance.* Following this letter, you will find an overview of the topic.

Participants at this event include students from Northern California high school classes who will be seated in one of the large hearing rooms at the Capitol. Several of these students will sit at the dias in front, along with the legislators from both the Senate and the Assembly. Several classes watching from remote sites will be connected to us by telephone so that they, too, can ask questions of the panelists.

The moderator, Barbara Arnstine from CSUS, will lead a discussion among the panelists focusing on the issues presented in this packet. Later in the meeting, she will take questions from the students seated in the audience and then from students in the remote sites.

The background material, articles, and critical thinking questions included in this packet are designed to help the participants prepare for the meeting. We would like to encourage those of you who are interested in viewing the Town Hall Meeting to read the materials and discuss the questions before the event takes place on May 5th.

If you would like a video copy of the Town Hall Meeting or want more information about the LegiSchool Project, call the LegiSchool Educator's Hotline at 1-800-321-1966 or write to us at:

The LegiSchool Project
c/o: The Center for California Studies
California State University, Sacramento
6000 J Street
Sacramento, CA 95819-6081

We look forward to hearing from you and hope you enjoy the Town Hall Meeting.

Sincerely,

Ken Futernick, Ph.D.
Project Director

Topic Overview

A two-year-old who runs into the street after a ball is not accountable for that behavior. We expect parents or guardians to watch out for children. Most adults, for example, would not think of leaving a child - any child - playing in the street. If a child is hurt in traffic, we look for the adults who are responsible.

But who is a "child" and who is responsible for that growing child's behavior can be difficult to determine. Sixteen-year-olds are not children, although their behavior is sometimes childish. So is the behavior of some sixty-year-olds, but we have decided that, except in extreme cases, sixty-year-olds are responsible for their behavior, however childish it might be. In the case of sixteen-year-olds, we aren't so sure. And we become even less sure as we go below the age of sixteen.

When students do things that are, at best, childish, or at worst, dangerous, we try to hold them accountable for their own behavior because we think that is an important part of their learning. If a student copies someone else's answer, teachers give that student a failing grade, not the parents. Most parents and educators would agree that young people who are held accountable for their own behavior are learning to be responsible. It isn't the case that young people will always do the right thing - in fact, a lot of bad decisions will be made. What many of us know from experience is that you have to make decisions and learn the consequences in order to make better decisions in the future. Whether we buy the wrong product, or invest time and loyalty in the wrong relationship, all of us learn from making decisions, acting on them, and experiencing the consequences.

But what if the consequences are seen by adults as too dangerous? Perhaps a young person doesn't see it that way, but those with more experience and power do. Adults have two responses in these situations. First we try to limit those decisions - we simply don't make them available. Sure, we teach young people to say "no," but we also try to make sure that the decision to smoke cigarettes or drink alcohol simply isn't available to people under 18 (or 21 in the case of alcohol). Our second response occurs in situations where we see repeated bad decisions as harmful to a young person's future. In these situations, we insist that others take control such as the family or school of that young person.

Table of Contents

	Page
Introduction	1
Attendance	3
Table of Contents	4
SB 118 - AFDC: Eligibility and School Attendance	5
AB 14 - AFDC: Eligibility and School Attendance	6
AB 17 - Vehicles: Driver's Licenses and Minors	7
Children's Truancy Now Costs Parents Sacramento Bee, December 29, 1996	8
Budget Links Truants, Welfare Sacramento Bee, January 11, 1997	12
Enforcement of Dropout Law Spotty; Columbus Students Hit Hardest by License Suspensions The Columbus Dispatch, November 17, 1996	15
Critical Thinking Questions	19
Association	21
Table of Contents	22
AB 2295 - Graffiti	23
AB 3261 - Juveniles: Curfews and Failure to Supervise	24
Governor Signs Graffiti Bills, Others Sacramento Bee, September 19, 1996	25
Truancy Targeted by Cities in Region Sacramento Bee, September 4, 1996	26

Table of Contents (cont'd)

	Page
Input is Scarce at Curfew Workshop The Davis Enterprise, February 26, 1997	28
Curfews are Popular, but Results Mixed Los Angeles Times, June 1, 1996	29
Teen Curfew Foes Cite Constitution; Bakers Cite Safety The Nashville Banner, June 24, 1996	31
Where are your Children? Quote from *The Nation*, June 24, 1996	32
Woodland Council Votes Down Daytime Curfew for Youths Sacramento Bee, January 29, 1997	33
16 Kids Booked in Florin Curfew Sweep Sacramento Bee, September 7, 1996	34
Youth Curfew Could be Vulnerable to Court Challenge. Louiseville Needs to Justify Proposal, Experts say The Courier-Journal, January 31, 1997	35
Curfew Law for Youths in D.C. is Overturned by Federal Court Los Angeles Times, October 30, 1996	37
Critical Thinking Questions	38
Appearance	39
Table of Contents	40
AB 186 - Tattooing, Body Piercing, and Permanent Cosmetics	41
AB 99 - Body Piercing	41
Lawmakers May Punch a Hole in Piercing Sacramento Bee, March 14, 1997	42
Clamping Down on Teen Piercing; Mixed Reviews to Making Parent Consent Mandatory San Francisco Examiner, January 26, 1997	44

Table of Contents (cont'd)

	Page
Bill Seeks OK of Parents for Body Piercing Los Angeles Times, January 24, 1997	46
Rules, Rules and More Rules St. Petersburg Times, April 15, 1996	48
Assembly Debate Stalls Youth-Piercing Bill Sacramento Bee, March 12, 1997	50
Tattoos Not For Everyone Washington Times, January 14, 1997	51
Special Report: Body Piercing, Tattoos Leaving Mark on Health Sacramento Bee, October 8, 1996	52
Critical Thinking Questions	54
The Future	55
SB 547 - Gangs	56
SB 980 - Crime Prevention: Peace Process Task Force	56
Drug-sniffing Overdose Sacramento Bee, March 24, 1997	57
Drug-sniffing Overdose - Editorial Sacramento Bee, March 24, 1997	58

Who Should Control the Behavior of Minors?
A Focus on Attendance, Association and Appearance

Introduction

In our Town Hall Meeting, we are going to look at three areas in which adults feel they must control the behavior of young people. The prohibitions against truancy, being out unsupervised at night, body piercing and tattoos are areas of current debate about how much freedom young people should have to make decisions, and how the behavior of minors should be controlled.

The issues we focus on (truancy, curfew and body piercing) are examples of behavior in areas where we know young people need to have experiences and make decisions in order to learn and grow. Certainly young people must learn to care for their bodies and their appearance, to be reliable by meeting responsibilities, to choose friends and associates wisely. And we know that the path to these character traits is a rocky one where mistakes will and, in fact, have to be made so that we can learn from them. Each area raises questions about what is public and what is private in our society and about the control of behavior and our need for freedom to learn and grow.

At this Town Hall Meeting, we are going to look at three areas of behavior that are particularly troublesome - attendance, association and appearance. In all of these areas, adults hope for the tastefully dressed student who attends school regularly and "hangs out" with other students who parents and teachers admire. But that, of course, rarely happens. Many students look to express themselves in their clothing, avoid going to boring classes, and stay out late with their friends.

Identifying the best behavior in every situation is often not easy, but what we can agree on is that we all want to keep young people safe and to give them the opportunity to learn. How their behavior in these areas affects their safety and learning is the focus of our concern.

Attendance

Going to school regularly helps develop the right habits for adulthood. It is being responsible, whether or not students like the responsibility. It is also comforting to adults to think that young people can't get into too much trouble when they are in school. We all hope young people are learning and taking advantage of the opportunities school has to offer. At least we know their behavior is supervised during the school days.

Not all minors attend school, however. In the Sacramento area alone, thousands are truant on a daily basis. As more and more minors are unsupervised during the day, the community becomes anxious about the future of these truants and about their safety. The question becomes, who is responsible? Attention turns to the parents and their contribution to the truancy of their children.

Whom shall we hold responsible when children refuse to attend school? Should, or can, we demand that all parents do a good job? The issue of who is responsible is a thread through all of our discussions about controlling the behavior of minors.

Association

Many parents feel that their children are responsible and sensitive people. When their children make bad decisions, parents often believe it is because they were influenced by others who are irresponsible. Many parents do not know the friends that their older children have, and they fear the worst.

One way adults try to control who young people associate with is by controlling their free time. The less free time they have, the less trouble they will get into. The community tries to restrict free time by setting a curfew.

The issues of freedom and control are difficult in any society, and they are especially difficult when it comes to young people. On the one hand, freedom is essential to growth and learning. We even talk legally about all students having the "least restrictive" learning environment possible. On the other hand, freedom for the innocent and inexperienced can be extremely dangerous. What risks must we live with if we are free to learn and grow? What controls must we place on the activities of minors if they are to be safe? Considering these questions not only invites us to consider the trust we must have in young people, it also demands that we look at the society we live in.

Appearance

When a five-year-old stubbornly insists on wearing a favorite orange shirt with red pants, we remind ourselves that appearance is a very personal matter. We protect the child's safety by making her wear shoes out on the street, but we let other choices develop personally.

What choices should be private? Your own clothes or a school uniform? Makeup or a tattoo? An earring but not a nose ring? In some cases, such as clothes for safety (helmets), the law is very clear. But are tattoos a matter of safety or a matter of taste? While it might seem clear that we shouldn't have laws controlling our personal tastes, what if the tattoo is a swastika? What is public and what is private in our society is at the heart of our attempts to control the appearance of minors. It is also at the heart of any discussion of individual behavior in a democratic society. For many, the very point of a democratic society is tolerance of the individual expression of all citizens. Because we live in a free society, what is at stake when we restrict individual expression in appearance is always a matter of concern and debate.

Attendance

In California, attendance in school is compulsory until the age of sixteen. If you are under that age and not in school during school hours, you are breaking the law. Even if a student is expelled, alternative schooling must be provided.

It is one thing to have truancy laws; how they are enforced is something else altogether. Schools may do their part by taking attendance, counseling those who are frequently absent and notifying parents. But schools do not have the resources to look for truant students, and they cannot do anything to parents except urge them to send their children to school.

The state has a responsibility to enforce truancy laws, but the laws limit what can be done. Truancy is an infraction of the Education Code that carries a fine of not more than one hundred dollars for a first offense. Police officers have been understandably reluctant to use their scarce resources pursuing truancy cases.

Poor school attendance is a common characteristic in a criminal profile. Poor attendance is also seen as a community problem because when students are not in school, most of the time they are unsupervised. Truants are seen as a primary source of shoplifting, property destruction and other criminal activities. Consequently, a number of actions have been taken to curtail truancy.

For instance, the District Attorney's office in Sacramento, has begun to prosecute parents of truant children as "contributing to the delinquency of a minor" instead of pursuing the lesser offense of truancy. This has resulted in the arrest of several parents in the Sacramento area.

There are also legislative proposals to enforce school attendance by increasing the consequences for chronic truancy. Since many truants are from low-income families, two proposals would limit welfare assistance to families with chronically truant children (SB 118 and AB 14).

Legislation has also been proposed that would increase the consequences for the truant student by making school attendance a requirement for a driver's license (AB 17).

The articles that follow consider all of these efforts to reduce truancy - increased police involvement, welfare eligibility, and evidence for a driver's license. All have implications for future legislation and for the use of community resources.

Table of Contents
Attendance

	Page
Attendance	3
Table of Contents	4
SB 118 - AFDC: Eligibility and School Attendance	5
AB 14 - AFDC: Eligibility and School Attendance	6
AB 17 - Vehicles: Driver's Licenses and Minors	7
Children's Truancy Now Costs Parents Sacramento Bee, December 29, 1996	8
Budget Links Truants, Welfare Sacramento Bee, January 11, 1997	12
Enforcement of Dropout Law Spotty; Columbus Students Hit Hardest by License Suspensions The Columbus Dispatch, November 17, 1996	15
Critical Thinking Questions	19

SB 118 - AFDC: eligibility: school attendance

BILL NUMBER: SB 118 INTRODUCED 01/08/97

INTRODUCED BY Senator Haynes

JANUARY 8, 1997

An act to add Section 11251.5 to the Welfare and Institutions Code, relating to public assistance.

LEGISLATIVE COUNSEL'S DIGEST

SB 118, as introduced, Haynes. AFDC: eligibility: school attendance.

Existing federal law establishes Temporary Assistance for Needy Families block grants to qualifying states in order to provide aid to low-income families. Existing state law provides for the related Aid to Families with Dependent Children (AFDC) program, under which each county provides cash assistance and other benefits to qualified needy families. Each county is required to pay a share of the cost of both aid grant and administrative costs for the AFDC program.

This bill would, to the extent permitted by federal law and with specified exceptions, require the county welfare department to stop payments to a recipient of assistance under the AFDC program whose child is determined to be habitually truant, as defined. It would provide that payments may be resumed when school records indicate the child has attended school, with no unexcused absences, for a period of 30 days. The bill would limit the payment stoppage to that portion of aid to a family budget unit attributable to the truant child in the family budget unit. It would require each County Superintendent of Schools to provide specified information to the county welfare department. It would require the Director of Social Services to seek all federal waivers necessary to implement these provisions.

By requiring a higher level of service of welfare departments and County Superintendents of Schools implementing these provisions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

BEST COPY AVAILABLE

AB 14 - AFDC: eligibility: school attendance: nonrecurring needs

by Assemb. Murray, Willard

- **Status:** Status. AB 14. as of 1996-10-15 -- (text) | (write)
- **History:** History. AB 14. as of 1996-08-08 -- (text) | (write)
- **Current:** AB 14. Current Amended 1996-07-10 [12.0KB] -- (text) | (write)
- **Introduced:** AB 14. Introduced 1994-12-05 [7.0KB] -- (text) | (write)

All bill related documents:

- Analysis. AB 14. Asm. Appropriations committee as of 1996-01-30 [7.0KB] [5KB] (text) | (write)
- Analysis. AB 14. Asm. Human Services committee as of 1996-01-23 [10.5KB] [8KB] (text) | (write)
- Analysis. AB 14. Sen. Appropriations committee as of 1996-07-10 [3.0KB] [2KB] (text) | (write)
- Analysis. AB 14. Sen. Health & Human Svcs. committee as of 1996-06-24 [17.5KB] [17KB] (text) | (write)
- Analysis. AB 14. Sen. Floor Session as of 1996-01-31 [7.0KB] [5KB] (text) | (write)
- AB 14. Introduced 1994-12-05 [7.0KB] [5KB] (text) | (write)
- AB 14. Current Amended 1995-02-27 [7.0KB] [7KB] (text) | (write)
- AB 14. Current Amended 1995-03-23 [7.0KB] [6KB] (text) | (write)
- AB 14. Current Amended 1995-04-06 [7.0KB] [6KB] (text) | (write)
- AB 14. Current Amended 1996-01-29 [7.0KB] [6KB] (text) | (write)
- AB 14. Current Amended 1996-06-20 [14.0KB] [11KB] (text) | (write)
- AB 14. Current Amended 1996-06-24 [14.0KB] [14KB] (text) | (write)
- AB 14. Current Amended 1996-07-10 [12.0KB] [11KB] (text) | (write)
- Vote. AB 14. Asm. Appropriations committee as of 1996-01-24 -- (text) | (write)
- Vote. AB 14. Asm. Human Services committee as of 1996-01-17 -- (text) | (write)
- Vote. AB 14. Asm. Floor Session as of 1996-01-31 [2KB] (text) | (write)
- Vote. AB 14. Sen. Appropriations committee as of 1996-08-06 -- (text) | (write)
- Vote. AB 14. Sen. Health & Human Svcs. committee as of 1996-07-03 -- (text) | (write)

---

excerpt from AFDC: eligibility: school attendance: nonrecurring needs text...

Existing law provides assistance to eligible low-income persons through the Aid to Families with Dependent Children (AFDC) program, which is funded in part by the federal government, and administered by the counties pursuant to regulations established by the State Department of Social Services.

This bill would require the State Department of Social Services to implement a demonstration project for a period of 5 years, upon approval by Los Angeles County, and with the agreement of the Compton Unified School District to coordinate with, and provide truancy information to, the county in the attendance areas of the district, that would, to the extent permitted by federal law, require the county welfare department to impose specified warnings, conferences, and sanctions against AFDC families with children in the 6th grade or higher who are habitually truant, except those required to participate in the Cal Learn program or who are 16 years of age or older.

AB 17 - Vehicles: driver's licenses: minors

by Assemb. Machado

- **Status:** Status. AB 17. as of 1997-03-27 -- (text) | (write)
- **History:** History. AB 17. as of 1997-03-27 -- (text) | (write)
- **Current:** AB 17. Introduced 1996-12-02 [17.5KB] -- (text) | (write)
- **Introduced:** AB 17. Introduced 1996-12-02 [17.5KB] -- (text) | (write)

All bill related documents:

- AB 17. Introduced 1996-12-02 [17.5KB] [16KB] (text) | (write)

---

excerpt from Vehicles: driver's licenses: minors text...

(1) Existing law authorizes the Department of Motor Vehicles to issue driver's licenses to persons 16 years of age under specified conditions.
This bill would require an application by a pupil under the age of 18 years for a driver's license to contain certification by the pupil's school of enrollment that the pupil is attending school and does not have more than 10 consecutive days, or 15 total days, of unexcused absences in a single semester, and has not been expelled from school.

BEST COPY AVAILABLE

The Sacramento Bee

Children's truancy now costs parents

By Deborah Anderluh
Bee Staff Writer
(Published Dec. 29, 1996)

■ For Jason, the changes may have come too late.

At 13, he has missed all but small patches of his schooling: expelled for fighting in third grade, missed half of fourth, all of fifth and showed up just 31 days in sixth. He dropped out in seventh grade, and three months into what would be his eighth-grade year, has no plans to return.

The alcoholic father who last year shrugged his shoulders, telling school officials the fault lay with his son, died last month of a liver gone bad. The mother whose welfare check sustains them maintains the boy is beyond her control.

Theirs is among the first of a handful of vanguard cases scheduled to come to jury trial early next year, the outgrowth of a nearly year-old decision by the Sacramento County District Attorney's Office to prosecute as criminals parents who fail to get their young children to school.

By most accounts, it is a decision that even in its infancy is having an impact.

There are thousands of young truants in the Sacramento region: elementary and middle school students who regularly miss days, weeks, even years of school. They tend to be poor, and their numbers have burgeoned over the decade, coinciding with dramatic increases in poverty in Sacramento County, where the welfare rolls now support one in three children.

In the Sacramento region, elementary and middle school students -- and not high schoolers -- account for the majority of unexcused absences. Passed from grade to grade without basic skills, many quit before high school, too young to register as dropout statistics.

In a series of articles published last February, The Bee chronicled the efforts of principals, counselors and teachers to reach these children. For years, the schools labored in a vacuum, struggling with minimal support to get parents to send their young children to school.

Until this year, the District Attorney's Office routinely lost or ignored the truancy cases school districts referred. Police officers deemed truancy -- an Education Code infraction punishable by a fine of no more than $100 for a first offense -- a low priority. Not sending a child to school -- even for years -- still does not qualify as neglect at Sacramento County Children's Protective Services.

But in the past 11 months, according to school and law enforcement officials, the District Attorney's Office, police and schools have united in a stepped-up effort that has lowered truancy rates in some areas and brought hope of improvement to others.

Moreover, there is indication that state officials, responding to sweeping changes in federal welfare law, are considering adopting a reform long advocated by the principals and counselors who work with truant children: requiring that parents who receive welfare get their children to school regularly or risk having some portion of their assistance withheld.

Though thousands of children regionwide are truant or tardy on a regular basis, there is a widespread feeling among school officials that the situation seems to be getting better rather than worse.

"What's amazing is that it is working," said Patty Wills, child welfare and attendance officer in the San Juan Unified School District, where she estimates there are more than 1,000 chronic truants in grades K-12.

"The message of accountability is getting stronger results than just going in and offering services without accountability. . . . Lots of people are willing to help, but the help doesn't do it by itself."

Clearly, the most dramatic change stems from the nearly year-old decision by Sacramento County District Attorney Jan Scully to prosecute parents for not getting their children to school.

Last February, wrapped into a larger offensive against juvenile crime, Scully announced she was issuing arrest warrants for 12 parents of habitually truant students. To give the charge more punch, she decided to prosecute such parents under a misdemeanor violation of the Penal Code -- contributing to the delinquency of a minor -- rather than the Education Code infraction. The misdemeanor charge carries a maximum penalty of a $2,500 fine and a year in jail. So far no cases have gone to trial, though some defendants have pleaded guilty, receiving probation with community service and the stipulation that the children's attendance improve.

Scott Triplett, legal research assistant in the DA's misdemeanors bureau, was unable to provide the number of warrants issued between February and September, the month he was hired. Since September, Triplett said, the office has issued 20 warrants. Of those, 10 remain outstanding, eight await trial, one resulted in a guilty plea and one case was dismissed.

Though the numbers are not large, the arrests have generated a fallout of far greater proportions, according to school officials.

"You knock on that door," said Debbie Morris, child welfare and attendance officer for the North Sacramento School District, "and you affect not just that one kid. You affect the whole street."

Marie Gutierrez, a supervising outreach worker in the Sacramento City Unified School District, credits the new arrest policy, as well as a nearly eight-fold increase -- from three to 23 -- in outreach workers, for a dramatic drop in the district's truancy rates.

Last year, she estimated 14 percent to 20 percent of the district's 48,000 students were regularly absent without valid excuse. This year, she said, the figure is 12 percent to 15 percent of students.

The district has had 16 parents arrested on the truancy charge, most of whom pleaded guilty. Thirteen have made complete turnarounds, Gutierrez said.

In the 48,000-student San Juan district, Wills has reshaped the approach to truancy to take advantage of the DA's get-tough attitude. Her two-person office focuses on elementary students with severe truancy problems. Last year, under Wills' predecessor, the office had a

caseload of more than 900 children, some of whom the district had followed for years trying to resolve family problems. This year, Wills is moving quickly to the district-level Student Attendance Review Board (SARB) hearings that must precede prosecution.

In the past, because the District Attorney's Office did not prosecute such cases, there was little incentive for schools to refer cases to the SARB. Attendance failed to improve in half the cases that were referred.

In the years before the DA's push, San Juan typically sent 60 cases to the SARB. This year, Wills is on track for 400 and expects to double that number again next year. With the threat of prosecution looming, her success rate with families has climbed to 95 percent. Of the 15 families Wills has referred for prosecution, all but two have made complete turnarounds.

In the North Sacramento elementary district, with 5,000 students, Morris reads between the lines to gauge the impact: The number of students receiving first truancy notices actually rose last school year, half of which was subject to the new arrest policy. But the number of students receiving third notices -- indicating the problem has become habitual -- fell from 285 to 221. The trend is continuing this year.

"Because of the intervention," Morris said, "we're able to stop it from going to the habitual level."

Another steeling force has been police participation. In January, Sacramento police officials assigned a 10-officer team to target status offenses such as truancy. Its primary mission is to pick up loitering high schoolers, but the unit has taken to regularly dispatching officers with school workers to the homes of elementary and middle school truants. The neighborhood and problem-oriented officers in vogue at the sheriff's and police departments provide similar support, sometimes serving warrants, more often driving home the potential for prosecution.

The results of the new efforts have trickled down in mixed fashion. At Harmon Johnson elementary in the North Sacramento district, habitual truancy notices plummeted last year. This year, all truancy notices have slowed. By mid-October 1995, the school had sent notices to 50 children. By mid-October this year, it had sent eight.

Kate Bishop, the school's outreach consultant, speaks of one child whose parents kept her out of school into her fourth grade year and who at 10 did not know her letters and numbers. Last year, Bishop battled to get the child in school. This year, the DA's office has the mother on probation, and the girl's attendance is perfect.

At other schools, the results are less dramatic. At Ethel I. Baker elementary in the Sacramento City district, attendance has improved by a percentage point, but the school continues to send out 40 to 50 truancy notices a month.

Jonas Salk Middle School in the San Juan district contends with as many as 25 students coming in late on a daily basis, down from 30 to 40 last year. But for the first time, said Principal Bill Hockensen, there is leverage: "We're saying, 'Look, this is going to impact your family. Come work with us,' " he said. "There are no major changes, but it just feels better."

Even where there is improvement, no one working with these children believes the situation is close to being repaired. The Student Buddy program, which provides mentors for more than 200 children at risk of dropping out, has seen its waiting list grow from 300 students to 476 in the past year.

Beverly Harvey, one of five Sacramento City outreach workers hired in March to focus on elementary and middle school truancy, estimates her caseload at 100 students. "It's like a

M.A.S.H. unit," she said.

And the DA's push, which relies on schools having time to build a case, has yet to make headway at schools with highly transient populations. At San Juan's Dyer-Kelly elementary, which has a 147 percent student turnover annually, the situation actually has worsened, said Principal Jody Graf. Last year, 21 percent of the school's students were truants. This year, 25 percent.

As such, school officials continue to lobby for a link between welfare and attendance, a notion that in the past was largely dismissed by state officials, who worried that cutting assistance might further harm the children. But with the state revamping its welfare policies and juvenile crime a hot issue, social service officials expect Gov. Wilson to include a parental responsibility component in the reform proposal he will unveil next month.

In San Diego Unified, early results from a three-year pilot program that links welfare to attendance for students age 16 to 18 are promising, according to county officials. Since January, 71 percent of students in the pilot group have attended school regularly, compared with 59 percent in a control group.

In September, in another pilot effort, Sacramento County welfare officials began sending letters to families of chronic truants in the Sacramento City district. Though the county cannot legally withhold funds, said district administrator Rob Gerig, the subliminal message is there -- and effective.

If schools look to welfare reform with anticipation, they are wary about the outcome of the truancy cases slated to come to trial beginning next month. The county public defender is fighting such cases, contending the DA has stretched the law in charging parents with contributing to delinquency.

"In a lot of these cases, the kids are kind of running the show and parents really don't have enough training or effectiveness to say no," said Roger Smith, supervising attorney for misdemeanors. "We don't need to give parents criminal records for not doing their duty and getting kids educated. I agree kids ought to go to school, but I think there are other ways of dealing with these things."

Among school officials, such talk just sets heads to shaking.

"We're losing kids in first grade, in second grade, in third grade," said Wills. "I wish they would come to my SARB hearings, look at the faces of these little kids, look at their attendance records and look at what chance they have if they're missing 40 to 50 days of school each year. We're cheating these kids, and I don't know what the public defender is thinking."

Copyright © 1996 The Sacramento Bee

The Sacramento Bee

Budget links truants, welfare

By Deborah Anderluh
Bee Staff Writer
(Published Jan. 11, 1997)

■ It constitutes just a line or two in the governor's budget proposal, and state social service officials remain short on details of how such a program would be instituted.

But school counselors are attaching enormous hope to Gov. Pete Wilson's call for linking welfare and school attendance. He would require that parents receiving welfare benefits get their children to school as a prerequisite for getting assistance.

Habitual truants -- children who miss days, weeks, even years of school at a stretch -- constitute a massive problem in California's poor and urban districts. This includes the Sacramento region, where there are thousands of children of elementary and middle school age who do not attend regularly.

Advanced from grade to grade based on age, lacking basic skills, many drop out before high school, too young to register as dropout statistics.

Young truants tend to be poor children, their parents often second- or third-generation welfare recipients, according to school officials. And their numbers have burgeoned over the decade, coinciding with the expanding welfare rolls that now support one in three children in Sacramento County.

In the past year, the Sacramento County District Attorney's Office and local police agencies have begun cracking down on parents of young truants, pursuing prosecution of the most egregious cases. According to school officials, the stepped-up effort already has helped lower truancy rates.

But such cases can take months to build, and counselors working with these children have lobbied for a link between welfare and attendance.

"As taxpayers we are spending money to help support these families and putting an investment in their children," said Kate Bishop, student outreach consultant in the North Sacramento district's Harmon Johnson Elementary, where 97 percent of the 500 students are on welfare.

"And when we're talking about trying to stop the welfare cycle, education really is the key."

Bishop, who works with about 60 students with attendance problems, said she believes just the threat of withholding assistance would provide her a powerful tool for dealing with parents.

Her support was echoed by counselors throughout the region, among them Marie Gutierrez,

a supervising outreach worker in the Sacramento City Unified School District, where as many as 15 percent of the nearly 50,000 students are habitually truant. "I know it'll make a difference," Gutierrez said.

The Sacramento City district has been part of a pilot project, implemented in September, in which the Sacramento County Department of Human Assistance sends letters to welfare families whose children are chronic truants. Though the department cannot actually withhold funds, the subliminal message has been effective, Gutierrez said.

But exactly what the governor's proposal would entail remains unclear.

The two-line reference simply states that "proof of school attendance and immunization would be required prior to eligibility" for welfare.

Wilson's spokespeople referred questions to the state Department of Social Services. Spokespeople for that agency, in turn, said it largely would be up to counties to figure out how to implement the program.

While generally supportive of a partnership with schools to fight truancy, Cheryl Davis, director of Sacramento County's Department of Human Assistance, said implementing such a program would be complicated and potentially costly.

It likely would require that the department have a computer system compatible with those operated by school districts countywide -- many of which themselves have no central computer system. And cutting a family's benefits, she said, may just increase loads for other tax-funded agencies.

"So we cut off aid to the families. What do they do for support?" Davis asked. "Do the children get neglected, and we end up with Children's Protective Services getting involved? The end result of some of these proposals might be more costly."

School finance officials, who compile the monthly attendance figures that determine each district's state funding, also expressed reservations. In most districts, attendance is recorded on paper at each school. The schools pass on overall tallies -- without student names -- to district officials, who in turn send a district summary to the county and state.

San Diego County is in the midst of a three-year pilot project that links welfare to attendance for students ages 16 to 18. In that program, the county checks monthly attendance, via computer, for children whose families receive assistance. The parents of children who are attending schools less than 80 percent of the time are called in for counseling. If the problem continues, their assistance is docked.

"I would not want you to believe this is easy to do," said Sherry Paul, assistant deputy director for the San Diego County Department of Social Services. "Just getting the computers to talk to each other, that takes a lot of cooperation."

Nevertheless, early results are promising. Since last January, 71 percent of students in the pilot group have attended school regularly, compared with 59 percent in a control group.

In Wisconsin, which has implemented a similar program statewide for students ages 13 to 19, the results are less clear. A legislative audit of the 9-year-old program failed to find a substantial difference in attendance patterns between students subject to the program and those in a control group, who were not.

But state welfare officials contend the results were flawed because students in the control group were aware of the law, and responded as if they were subject to it. Attendance for both groups improved after the program was implemented, something the study did not measure, said Jay Hein, who manages Wisconsin's Learnfare program.

Wilson's proposal already has spawned proposed legislation. State Sen. Ray Haynes, R-Murrieta, introduced a bill Wednesday that would stop welfare payments to parents whose children have three or more unexcused absences. Payment would resume when that child had attended school, with no unexcused absences, for 30 days.

The bill would require each county office of education to notify the county welfare department of habitual truants. Currently, county education offices have no way of getting hold of such information.

In any case, such legislation is certain to meet stiff opposition from Assembly and Senate Democrats. Last year, two truancy-related bills that passed the Republican-controlled Assembly failed to make it out of committee in the Democratic-controlled Senate.

Assemblywoman Dion Aroner of Oakland, a key Democrat who chairs the Assembly Human Services Committee, made it clear she will staunchly oppose attempts to cut welfare benefits without trying to address the poverty and dysfunction that she said keep children at home.

"I wish it were so simple as to say 'If I give you $50 less, your child will be in school everyday,'" Aroner said. "But I don't think it's that simple. I really don't."

Copyright © 1997 The Sacramento Bee

ENFORCEMENT OF 'DROPOUT LAW' SPOTTY; COLUMBUS STUDENTS HIT HARDEST BY LICENSE SUSPENSIONS

The Columbus Dispatch, November 17, 1996

By: Michael J. Berens

Copyright 1996 The Columbus Dispatch
Reprinted with permission from the Columbus Dispatch

During the past five years, thousands of Columbus high- school students -- among 14,000 students statewide -- have temporarily lost driving privileges even though they did not commit a traffic offense.

Ohio's "dropout law," sponsored in 1990 by Rep. Michael A. Fox as a way to keep students in classrooms, requires school districts to suspend the licenses of 16- and 17-year-olds who drop out of school.

At the time, the Hamilton Republican predicted that attendance would improve because few things are more important to teen-agers than driving.

Instead, dropout rates are rising, and the law is being enforced so unevenly that it punishes students from the poorest neighborhoods the most, The Dispatch has found.

The law applies to students who have at least 15 days of unexcused absences. Licenses are suspended until the youths turn 18. The law is mandatory but does not penalize districts that do not use it.

Of the state's 609 districts, 253 have applied the law, State Board of Education records show. Districts that have not used the law include the state's wealthiest public schools and private schools.

A few districts have had no dropouts.

Statewide, enforcement is inequitable because the law does not define dropout, leaving each district to determine the parameters.

In Columbus Public Schools, girls who leave school to have a baby are considered dropouts -- and are subject to license suspensions -- but students who are suspended or expelled for assaulting teachers are not.

Last week, legislation mandating license suspensions for students who carry weapons to school was sent to Gov. George V. Voinovich. The bill is expected to be signed within a month, Voinovich spokesman Mike Dawson said.

The highest number of suspensions -- more than 2,000 since 1991 -- has occurred in the Columbus district, state records show.

Also within the Columbus district: Enforcement varies among schools.

Some Columbus principals, for example, dislike the law and refuse to order suspensions.

"Some schools do not do it at all -- they (principals) feel it is too strong a disciplinary measure," district spokes-man Phil Boriarski said. "Other schools do it rarely. Other schools do it often."

Officials do not inform students about the law even though deterrence is supposed to be the goal. (Other school districts, such as Cleveland and Cincinnati, explain the law in student handbooks.)

Fox said he is upset because Columbus district officials do not educate students about the law.

"In order for this to have effectiveness, you have to make a big deal about it," he said. "There has to be a public push; there has to be some conditioning of the students saying, You better be aware of this.' "

Principals in some cases have failed to notify parents of license suspensions, as required by law. In addition, the district does not keep records of suspensions.

Fox thinks record-keeping is essential to the law's success. Districts that don't track license suspensions, he said, aren't taking the problem seriously.

"I've been perplexed by the casual attitude the education establishment takes toward the whole dropout question."

(The Cleveland and Cincinnati districts track suspensions through their central offices, as does every suburban school district in Franklin County.)

Resisting the idea

Most of the students who have had licenses suspended live primarily in the neighborhoods east of I-71, starting on the South Side and following a path north to the state fairgrounds -- areas that are among the city's poorest, U.S. Census records show.

Three hundred suspensions have involved students living on the South Side, a Dispatch computer analysis of drivers licenses shows.

State Board of Education officials acknowledge that the law is applied selectively statewide.

"A lot of the principals -- even school superintendents -- did not want to comply because they felt the law was too harsh," said Anita Wilson, supervisor of driver-education programs.

"Well, it's the law and they should be in compliance, but some will not use it."

Columbus lawyer Thomas Shanahan, who specializes in cases involving juveniles, opposed Fox's legislation in 1990. His prediction that it would target the "helpless and hopeless" is coming true, he said.

License suspensions, Shanahan said, keep teen-agers from jobs outside the city's mass-transit system.

Hilliard schools have had dropouts, but the district has never applied the law, state records show.

"Rather than being punitive, our approach generally is to work with the family to get the student back in the classroom," spokeswoman Cheryl Best said. "If the car is the key to getting them to a job, that may be a way for them to at least get some skills, get some employment and keep them off the couch and watching television all day," she said.

Bexley High School has never used the law, either, but Principal J. William Lindsay said the school has not had a 16- or 17-year-old dropout since the measure's enactment.

"We follow the law," he said. "We have just not had to do that."

Punishing some, not others

When Katie Bridget Hughes left high school for five months to have a baby, she violated the dropout law.

She left Westland High School in the fall of 1995. Three weeks later, school officials notified the Bureau of Motor Vehicles to suspend her drivers license.

The bureau's paperwork was so slow that the suspension did not take effect until Katie returned to school early this year as a senior.

"Nobody told us her license was going to be canceled," said her father, Michael T. Hughes. "I had never heard of this law. Katie couldn't get to doctor appointments when I was gone."

Hughes works full time; his wife died of cancer about eight years ago.

Because he could not afford to hire an attorney (public defenders are not available for civil cases), Hughes filed an appeal on behalf of his daughter in Franklin County Juvenile Court.

Magistrate Sue House ruled that school officials violated the law by not notifying Hughes or his daughter about the suspension. The teen-ager won back her license.

"It's not a fair law," Hughes said. "Why should kids lose their licenses when they obviously have enough problems to deal with? It makes no sense."

Katie, who has continued to struggle with school attendance since becoming a mother, agreed.

"I didn't hurt anybody," she said. "I didn't commit a crime. Why should I be punished?"

West Side resident Patricia Stewart is still mad. Her son, Gregory, dropped out of West High School last year, in part, she said, because of gang violence and fear for his safety.

When he did not immediately enroll in a program to obtain a high- school equivalence certificate, his license was suspended. Since then, Stewart said, her son has obtained an equivalence certificate and is hoping to attend a community college.

"Greg got A's and B's. He was a good boy, worked after school at a pizza place and never got into trouble, but he was scared to go to class. Instead of taking licenses, maybe they should focus on making the schools better and safer."

School officials declined to comment on individual cases.

Licensing behavior

Although Columbus Public Schools do not track suspensions, the district has had success with the dropout law, said Lucretia Williams, assistant superintendent of student services.

Principals identify school dropouts and make license-suspension decisions without administrative oversight, she said.

Students are responsible for knowing the law and can avoid suspensions by enrolling in a program to obtain an equivalence certificate, Williams said. The district also offers in-home tutoring for girls who become pregnant, she said.

While some school districts in Ohio broadly define dropout, the Columbus Board of Education voted on a more narrow definition, which does not include students who are chronically tardy or absent, suspended, expelled or arrested, she said.

In addition, Williams said, suspended or expelled students have an excused absence legally and are likely to return to school. Their license or driving privileges would have to be revoked and restored each time they leave school and return, she said.

While some Columbus principals vigorously apply the law, others, such as Norm Kushen of Beechcroft High School, rarely do, state records show.

Kushen, Beechcroft's principal for 10 years, views the law as a failed attempt to correct a complex problem.

"We have a high-risk population of kids in Columbus," he said. "Our kids need more help and more resources than anybody, and they get the least."

Kushen said he has had success working with parents and students instead of filing a license-suspension notice when a student leaves school.

Whitehall Schools Superintendent James Crawford, who stepped up enforcement of the law last school year and suspended the licenses of 20 students, views the measure as an educational tool.

He was concerned, however, about the legislative push earlier in the year to take away licenses based on academic performance.

Sen. Eugene Watts, R-Galloway, had advocated suspending licenses of students who failed proficiency tests, but he dropped the proposal because of widespread complaints by employers and school officials.

Fox, who opposed Watts' bill, said the law he sponsored has merit, although he termed its success "marginal."

"Generally, society has a culture in which we accept the notion if you successfully complete high school then that's a rite of passage that ought to mean something significant," Fox said. "Using that as the linkage, the dropout law, in my opinion, is sensible and defensible."

Judge Kay Lias of Franklin County Juvenile Court thinks the law is an example of good intentions gone bad.

"I think there is a danger when you have legislators, many of whom are not legally trained, creating new laws without understanding the impact of what they are doing," she said.

CRITICAL THINKING QUESTIONS
Attendance

1. If a fifteen-year-old constantly cuts school and is out of control, should the parent be punished by the state?

2. What if the child is only ten?

3. Should poor parents be treated differently from wealthy parents when their children are truant?

4. Would it affect your school if all the kids who didn't go to school were forced to attend?

5. Will these solutions solve the problem of truancy? Are they a necessary step?

6. Most of the legislation is about what the state or community might do about truancy. Is there something that schools should be doing?

7. Is there any reason for the kids who are in school to care about the kids who are not?

Association

There are many words used to describe positive association with others - words such as friends, team, club. There are also words that describe unhealthy associations, like clique and gang. Whether a group of young people has a good label or a bad one, however, usually adults worry most about what young people are doing when they are unsupervised. Just as we worry about the behavior of young people who are not under the control of the school when they are truant, we worry about the behavior of young people when they are not under the control of parents and guardians. Both curfew laws and truancy laws try to return young people to the controlling presence of responsible adults.

Truancy laws presume that the best place for young people is at school; curfew laws assume that the best place for young people is at home. Both want to ensure that responsible adults are available for monitoring the activities of young people. For adults, unsupervised conditions, particularly at night, are a cause for concern.

A great deal of the concern is for the safety of the child, but some of it also has to do with what young people might be up to when they are unsupervised. Graffiti is a persistent example of an unsupervised activity that concerns adults as seen in the law passed in 1996 (AB 2295).

Most of the recent legislative proposals have to do with restricting the unsupervised time of young people through curfews. Although AB 3621was proposed in 1996 to put new teeth into curfew laws, curfews still vary from one community to another both in terms of hours and enforcement. As communities struggle with students who are not in school and with young people who are out unsupervised at night, the specter of gangs and graffiti has put increasing pressure on local communities to pass curfew laws. Even though most do not have the resources to enforce them effectively, many local politicians believe that curfew laws are a necessary step in supporting parent's efforts to control the behavior of their children. The following articles deal with various community responses to the enforcement of curfew laws.

Table of Contents
Association

	Page
Association	21
Table of Contents	22
AB 2295 - Graffiti	23
AB 3261 - Juveniles: Curfews and Failure to Supervise	24
Governor Signs Graffiti Bills, Others Sacramento Bee, September 19, 1996	25
Truancy Targeted by Cities in Region Sacramento Bee, September 4, 1996	26
Input is Scarce at Curfew Workshop The Davis Enterprise, February 26, 1997	28
Curfews are Popular, but Results Mixed Los Angeles Times, June 1, 1996	29
Teen Curfew Foes Cite Constitution; Bakers Cite Safety The Nashville Banner, June 24, 1996	31
Where are Your Children? Quote from *The Nation,* June 24, 1996	32
Woodland Council Votes Down Daytime Curfew for Youths Sacramento Bee, January 29, 1997	33
16 Kids Booked in Florin Curfew Sweep Sacramento Bee, September 7, 1996	34
Youth Curfew Could be Vulnerable to Court Challenge. Louiseville Needs to Justify Proposal, Experts say The Courier-Journal, January 31, 1997	35
Curfew Law for Youths in D.C. is Overturned by Federal Court Los Angeles Times, October 30, 1996	37
Critical Thinking Questions	38

AB 2295 - Graffiti

by Assemb. Sweeney

- **Status:** Status. AB 2295. as of 1996-10-15 -- (text) | (write)
- **History:** History. AB 2295. as of 1996-09-21 -- (text) | (write)
- **Current:** AB 2295. Current Amended 1996-09-18 [60.0KB] -- (text) | (write)
- **Introduced:** AB 2295. Introduced 1996-02-14 [42.0KB] -- (text) | (write)

All bill related documents:

- Analysis. AB 2295. Asm. Appropriations committee as of 1996-05-20 [7.0KB] [4KB] (text) | (write)
- Analysis. AB 2295. Asm. Pub. Safety committee as of 1996-04-15 [10.5KB] [10KB] (text) | (write)
- Analysis. AB 2295. Sen. Crim. Pro. committee as of 1996-04-23 [17.5KB] [16KB] (text) | (write)
- Analysis. AB 2295. Sen. Floor Session as of 1996-08-23 [7.5KB] [7KB] (text) | (write)
- AB 2295. Introduced 1996-02-14 [42.0KB] [41KB] (text) | (write)
- AB 2295. Current Amended 1996-04-23 [45.5KB] [44KB] (text) | (write)
- AB 2295. Current Amended 1996-08-14 [60.0KB] [60KB] (text) | (write)
- AB 2295. Current Amended 1996-08-28 [60.0KB] [59KB] (text) | (write)
- AB 2295. Current Amended 1996-09-18 [60.0KB] [59KB] (text) | (write)
- Vote. AB 2295. Asm. Appropriations committee as of 1996-05-22 -- (text) | (write)
- Vote. AB 2295. Asm. Pub. Safety committee as of 1996-04-16 -- (text) | (write)
- Vote. AB 2295. Asm. Floor Session as of 1996-05-30 [2KB] (text) | (write)
- Vote. AB 2295. Asm. Floor Session (Motion 2) as of 1996-08-28 [2KB] (text) | (write)
- Vote. AB 2295. Asm. Floor Session (Motion 3) as of 1996-08-28 [2KB] (text) | (write)
- Vote. AB 2295. Sen. Crim. Pro. committee as of 1996-06-25 -- (text) | (write)
- Vote. AB 2295. Sen. Floor Session as of 1996-08-19 -- (text) | (write)

---

excerpt from Graffiti text...

Existing law provides that every person who maliciously defaces with graffiti or other inscribed material, damages, or destroys any real or personal property not his or her own is guilty of vandalism. Existing law prohibits additional specified acts of vandalism involving graffiti. Existing law also authorizes the court to order a defendant to perform community service upon conviction of certain of these offenses, or as a condition of probation, as specified.
This bill would, in a jurisdiction that has adopted a
graffiti abatement program, authorize the court to order, upon the conviction of a person for any of the offenses described above, or as a condition of probation, the person, and his or her parents or guardians if the defendant is a minor, to keep the damaged property or another property free of graffiti for a specified period of time.

BEST COPY AVAILABLE

AB 3261 - Juveniles: curfew and failure to supervise

BILL NUMBER: AB 3261 AMENDED 04/23/96

AMENDED IN ASSEMBLY APRIL 23, 1996
AMENDED IN ASSEMBLY APRIL 11, 1996

INTRODUCED BY Assembly Member Ackerman

FEBRUARY 23, 1996

An act to amend Section 625.5 of, and to add Sections 729.51, 729.52, and 729.53 to, the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3261, as amended, Ackerman. Juveniles: curfews and failure to supervise.

Existing law authorizes local law enforcement personnel to temporarily detain any minor upon a reasonable suspicion based on articulable facts that the minor is in violation of a local curfew ordinance and to transport that minor to his or her residence or to the custody of his or her parents or legal guardian, upon authorization of the governing body of the city, county, or city and county, except as specified. Existing law requires the law enforcement officer to issue a warning citation to the minor upon a first violation, and requires a designated representative of the governmental entity that issued the citation to mail to the parents or legal guardian a written notification regarding the consequences of a 2nd violation and having a space for an explanation of extenuating circumstances, as provided.

This bill would specify that for a 3rd or subsequent violation of such an ordinance the minor must be ordered to perform specified community service, and would require the warning citation issued upon a first violation to include the consequences of a 3rd violation. By imposing duties on the criminal justice system similar to that imposed for criminal conduct, the bill would impose a state-mandated local program.

The bill would also require the written notification to the parents or legal guardian to state that upon a 3rd or subsequent violation, the parents or legal guardian may be required to appear in court and may be prosecuted pursuant to a provision of this bill that creates the offense of failing to supervise a child.

The Sacramento Bee

Governor signs graffiti bill, others

Bee Capitol Bureau

(Published Sept 19, 1996)

■ Gov. Pete Wilson announced the signing of several pieces of legislation Wednesday, including a bill that holds the parents of juveniles convicted of graffiti-related crimes accountable for the actions of their children.

"Today, we are sending a clear message to juvenile graffiti vandals -- defacing property will not be tolerated," Wilson said in a statement. "Now, we will not only hold the juveniles responsible for removing the graffiti, but we will hold their parents accountable, as well."

The legislation, AB 2295 by Assemblyman Mike Sweeney, D-Hayward, will give judges the authority to increase the length of time a juvenile can be punished for committing acts of graffiti and to require the parents to participate in the cleanup. In addition, parents can be charged for the cost of monitoring their child's participation in a graffiti cleanup program.

Judges will now be allowed to order juvenile vandals to keep a specified area free of graffiti for at least 60 days.

Wilson also signed legislation to allow school officials to obtain information about minors convicted of sex offenses and who are enrolled in public schools.

Under the current school notification law, superintendents are notified when a minor who has been convicted of any felony or misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products or carrying a weapon is being released into the school district. The bill signed into law, SB 1938 by state Sen. Richard Mountjoy, R-Arcadia, adds any felony or misdemeanor involving a sexual offense to the list of offenses that require notification.

The governor also signed SB 1231 by Sen. John Lewis, R-Orange, which prohibits convicted murderers from earning good-time and work-time credits that could allow them to shorten their sentences.

The bill must now receive voter approval. It will appear on the June 1998 primary ballot.

Copyright © 1996 The Sacramento Bee

The Sacramento Bee

Truancy targeted by cities in region

By Pamela Martineau
Bee Correspondent
(Published Sept 04, 1996)

■ FAIRFIELD -- Beginning this month, Fairfield police will be on the lookout for kids ditching school as the city launches a tough daytime curfew that could cost parents of truant children hundreds of dollars.

The new anti-truancy program, which Sacramento officials say they hope to emulate, allows police officers to cite and fine school-age kids who are on city streets during school hours without permission.

It comes as educators and police throughout the region continue to search for better ways to keep kids in class, including stepped-up truancy enforcement and special truancy centers in Sacramento, and fines of up to $500 for parents of chronic truants in Davis.

Sacramento police and City Councilman Sam Pannell said they will be watching the Fairfield program to see whether the curfew reduces crime and absenteeism.

Pannell said he has been researching the idea of a daytime curfew for Sacramento youths and expects to introduce a daytime curfew ordinance to the City Council by early next year. He hopes to have a curfew in place by fall of 1997.

"We'll research the idea and try to put a policy together that makes sense for the kids and the community," Pannell said.

Pannell said he is looking at proposing an 8 a.m. to 3 p.m. curfew, although he has not decided whether violations of the curfew should be punishable by fines or work programs for the kids.

Rocklin police are also studying daytime curfews and may advocate one in that city, according to Police Chief Gary Prince.

Fairfield police and school officials say they hope their daytime curfew will reduce truancy and the crime that often results from kids loitering unsupervised on city streets.

"We're not looking to harass kids," said Fairfield Police Sgt. Michael Hill, supervisor of the Youth Services Department, who said the program may be the first of its kind in Northern California. "We're looking to cut down on the problem of unsupervised kids."

Several teens hanging out at the Solano Mall recently were skeptical of the new program.

"It's pretty stupid," said Charndeep Grewal, 14. "What are we going to do? We're just kids. We're not going to vandalize people."

"The punishment I would get from my parents (for skipping school) would be much worse," added Sarah Barthelmess, 14.

But Esther Thomas, whose son will be a freshman this fall, said the curfew could help single parents like herself.

"When parents are working they can't follow around the children to keep them in school." Thomas said. "Nowadays you can't be too safe."

Under the curfew, which was approved by the Fairfield City Council in June and will be enforced beginning in late September, juveniles could be charged with a misdemeanor for being off school grounds between 8:30 a.m. and 1:30 p.m. on school days, except during lunch time or with written permission.

Violations of the curfew carry fines of $100 for a first offense to $500 for repeat violators. The fines can be charged to the truant, the parent or both. Fairfield already enforces a nighttime curfew.

Dropouts can also be cited under the curfew, although it's largely aimed at returning truants to school before they reach the point of dropping out, Hill said.

"I think it's going to send a clear message to our students that they are supposed to be in school and there's a way to make that happen," said Fairfield School Superintendent Darrell Taylor.

In the past, Taylor said, police usually have picked up about 100 kids a day during the truancy sweeps of city streets that were conducted periodically throughout the school year. Police returned the truants to school grounds, where officials notified a parent or guardian of the absence.

Under the new ordinance, the periodic sweeps will continue, but all patrol officers will also be on the lookout daily for truant youngsters.

Hill said the problem is especially critical because truants sometimes commit crimes or become the victims of crime themselves. "The curfew is another avenue that we're trying to explore to address the increasing crime rate in Fairfield," Hill said.

Hill stressed that police will use "common sense" in enforcing the curfew, and probably will give youngsters warnings on a first offense.

And although the curfew officially will be imposed when classes start this week, officers are planning to spend several weeks in warning and education programs before strictly enforcing it in late September, said Fairfield Lt. Terry Thomas.

Similar curfews are enforced in Santa Barbara, Monrovia and the city and county of Los Angeles, Hill said.

Parents of habitual truants can be fined in Sacramento, but not on a first offense as the Fairfield program allows. Sacramento police say they want to monitor the Fairfield program, which they see as a possible additional weapon in battling truancy.

Copyright © 1996 The Sacramento Bee

BEST COPY AVAILABLE

Input is scarce at curfew workshop

◆ Only a handful voice their opinions during Tuesday gathering to talk about proposals

By REBECCA NOLAN
Enterprise staff writer

Fewer than 10 people attended a workshop Tuesday night designed to gather public opinion on a proposal to institute a late-night curfew and anti-truancy ordinance.

The Davis City Council created the Curfew and Truancy Task Force to draw up and propose an ordinance to keep Davis' youth off the streets. At Tuesday's meeting, the eight-member task force presented its preliminary proposal, which includes both a nighttime curfew and an anti-truancy ordinance that would give police the authority to stop kids in the street during restricted hours.

The late-night curfew would require youths aged 16 and under to be at home after 10 p.m. on school nights and midnight on nonschool nights. Exceptions to the curfew would be allowed for youths traveling home from work, attending a school-related or cultural event or accompanied by a parent.

The anti-truancy ordinance,

TRUANCY

Continued from Page A-1

which opponents compare to a daytime curfew, would grant police the authority to cite children aged 16 and under on the streets between 8:30 a.m. and 2:30 p.m. school days. Children who are homeschooled would be exempt from the ordinance, the task force said.

Children found in violation of either curfew would face citation, and then be channeled to the Davis Police Department's youth diversion program. The diversion program is an alternative to entering first-time offenders into the juvenile justice system.

Participants must perform community service, maintain a C average in school and demonstrate an improvement in attitude to be eligible for the voluntary program.

Members of the task force believe this type of early intervention can prevent future criminal activity and activate the "social safety net" to get troubled children the help they need.

"There's been a correlation forever to the out of control behavior that eventually leads to criminal behavior," Davis police Sgt. Colleen Turay said. "We get calls from parents who are at the end of their rope and are feeling like they're not getting any support from law enforcement, and they're right."

The purpose of Tuesday's meeting held in the multipurpose room at Davis High School was to gather public input on the tentative proposals, which the group would take into consideration while drawing up the actual ordinance.

Besides the press, about seven people showed up to the meeting, some of whom left before the audience was allowed to address the panel.

A similar daytime curfew proposal was shot down last month in Woodland after parents, children and community members attended a workshop protesting what they called the potential violation of their children's civil rights. Opponents said the curfew would make every child on the street a suspect, while proponents said it would help keep them out of trouble and prevent their victimization.

Steve Smith, a Davis physician who homeschools his five children, spoke out against the Davis proposals for many of the same reasons mentioned in Woodland.

"You're essentially making anyone presumed guilty for going out on the street," he said. "This is taking the wrong tack. It leaves a lot of otherwise well-meaning, law-abiding young people in a difficult situation."

Smith worried that his children and others like them may be subject to undue harassment if asked to run an errand or leave the house during regular school hours.

"I don't want my children identified as criminals because they happen to be running an errand during the day," he said. He also asked the panel how officers will identify homeschooled students.

"Is this a society where we'll have to carry papers to be out on the street?" he asked. "Who's going to prove they have the right papers?"

Another father, identified only as Jerry, said his experiences with a formally truant daughter led him to support the proposal. He said the teen-aged years are a time of "long suffering," and parents need all the help they can get.

"I think as parents, we have to try all methods and try all tools to make it work," Jerry said.

The task force will reconvene next Tuesday to evaluate the opinions expressed Tuesday night. Members expect to submit their recommendation to City Council within the next month.

CURFEWS ARE POPULAR, BUT RESULTS MIXED

Los Angeles Times, June 1, 1996
By: David G. Savage
Copyright 1996 Times Mirror Company
Reprinted with permission

Curfew laws for teenagers are widely used, enjoy enormous popularity and apparently have sharply reduced juvenile crime in certain cities, such as Dallas and New Orleans.

But despite those successes, surveys of the nation's big cities have found that most curfew laws are not strictly enforced and that their impact in most cities has been modest at best. And some officials questioned the wisdom of having police officers spending time picking up otherwise law-abiding 16-year-olds and transporting them to station houses.

Nonetheless, requiring teens by law to be off the streets got a big boost this week from President Clinton and Republican presidential candidate Sen. Bob Dole (R-Kan.).

In New Orleans, the president said curfew laws "are just like the old-fashioned rules most of us had when we were kids. When the lights come on, be home."

The difference, of course, is that the police, not parents, are now called upon to enforce those rules.

Nearly three-fourths of cities of more than 100,000 population have curfew laws on their books. Most say that teenagers who are younger than 18 must be off the streets by 11 p.m. on weekdays and midnight on weekends. Some impose a $25 fine on parents whose children are picked up more than once.

Some cities are going further. In Birmingham, Ala., officials said they are picking up youths under 16 for truancy who are on the street between 8 a.m. and 3 p.m. on weekdays. In Chicago, the City Council is considering a proposal to confiscate automobiles if teenagers are found driving them after hours.

That "will get the attention of parents if they have to pay to get back" the family car, said Alderman Edward Burke, who proposed the idea.

In December, the U.S. Conference of Mayors surveyed 387 cities and found that just over one-third characterized curfew laws as "very effective." Many conceded that they did not have the personnel to enforce the measures.

"This is the hot topic now, so a lot of police departments are hauling kids in to prove they are doing the job," said John Pionke, who compiled the survey. "But the history of these laws is that police are soon pushed in another direction and they back off enforcing the curfews."

Pionke said curfews appear to be more effective in smaller cities, such as Charleston, S.C., and Birmingham.

"In New York and Los Angeles, because of their size, it's very hard to enforce it," he said.

Dozens of cities in Southern California have curfew laws, but enforcement is mixed.

In Los Angeles, the curfew makes it illegal for minors to loiter after 10 p.m. In the Los Angeles Police Department's Hollenbeck Division, one of the city's busiest, officers say minors who are found in violation of the curfew are brought to a station house, where volunteers call a parent or guardian to pick them up.

In 1993, San Diego began vigorously enforcing one of the toughest curfew laws in the nation, a law that had been on the books since 1947 but was rarely enforced. A federal judge in December rejected a challenge by the American Civil

Liberties Union, which said the curfew was heavy-handed and would prohibit youths from attending midnight Mass or a late political rally.

The San Diego curfew allows those under 18 to be out after 10 p.m. only if they are working, attending a school activity, being supervised by a parent or going home.

In Inglewood, a 10 p.m. weekday curfew has long been on the books, but "it fell into disuse," said Capt. Jim Seymour. "It's cumbersome to bring in a minor for an . . . offense that is not a criminal offense."

In Dallas, officials said a 2-year-old curfew law has been an extraordinary success, and it sent out a clear message that teenagers are not to be out after 11 p.m. Not only have parents and their children gotten the message, but so have club and restaurant owners.

"Before the curfew, as long as the clubs and arcades were open, the kids were there. This way, that opportunity for mischief goes away," said Dallas police Lt. Jeff Cotner.

The enforcement is largely handled by the teenagers themselves. "Those kids know what time it is," Cotner said. "They'll push it right up to the wire, but then they leave and they're gone." However, repeat violators can be fined up to $500.

In two years, violent crimes committed by juveniles have gone down by 30%, Dallas police said, and overall juvenile crime is down by 20%.

New Orleans' officials reported similar success. In the first year of their teen curfew, youth crime dropped by 27%, and auto thefts went down by 42%. Police in the Crescent City said they enforce the curfew from dusk to dawn.

The New Orleans curfew comes early--8 p.m. on school nights--but officials make sure that teenagers know about it. One Pizza Hut owner donated 1,500 watches to Mayor Marc Morial to pass out to youths.

But most other cities have seen at best only small declines in youth crime after adopting a curfew. Phoenix police said youth crime may have gone down 10% because of the curfew and Dade County, Fla., officials reported a 4% drop after enforcing the new law.

That may be so because juvenile crime actually peaks from 3 p.m. to 8 p.m., not late at night, said James Alan Fox, a criminologist at Northeastern University.

Lawyers for the ACLU continue to fight the curfews as unconstitutional, arguing that they punish law-abiding teenagers more than true criminals.

"We don't think the government can make it a crime to sit on the curb and talk to your friends or to walk your dog at night," said Art Spitzer, an ACLU lawyer who is challenging the curfew in the District of Columbia. "We could probably reduce the number of rapes if we made it illegal for women to go out by themselves to jog but that's not the way we make laws in this country," he said.

Times researchers Anna M. Virtue in Miami, Edith Stanley in Atlanta, Lianne Hart in Houston and John Beckham in Chicago, and Times staff writers Jeff Leeds in Los Angeles and Tony Perry in San Diego contributed to this story.

Teen curfew foes cite Constitution; backers cite safety

The Nashville Banner, June 24, 1996

By: Laura Griffis

Copyright 1996 Nashville Banner Publishing Company
Reprinted with permission

Nashville teens who resent their midnight curfew can take comfort in the fact that they don't live in San Diego, where juveniles must be in by 10 p.m. seven days a week.

San Diego's curfew is attracting national attention from groups like the American Civil Liberties Union and the Freedom Forum First Amendment Center at Vanderbilt University. Leaders of both organizations say juvenile curfews violate the constitutional rights of minors.

"You send a message to young people that the Constitution isn't theirs," says John Seigenthaler, chairman of the First Amendment Center. That message to young people, he says, is this: "Whatever you learned in civics, whatever you learned in government, in the real world, we don't trust you."

The First Amendment Center recently hosted a debate about the issue, and that debate will be televised on the program Freedom Speaks this fall. ACLU president Nadine Strossen was among the panelists.

"There is absolutely no evidence that a disproportionate number of crimes either by or against juveniles are committed during curfew hours," Strossen says. "In fact, there's a lot of evidence that the major crime period is from 3 to 6 p.m."

New Orleans Police Chief Richard Pennington, who participated in the discussion via satellite, disagrees. He says that since New Orleans joined 150 other American cities in passing a curfew law, juvenile crime has dropped.

"We've had about a 30 percent reduction in juvenile crime in the past year," Pennington says.

He called the law an "aid to law enforcement" and said 90 percent of the public expressed support for the juvenile curfew in a random survey.

But Strossen says public support does not make the law constitutional.

"Constitutional rights can't be voted away," Strossen says. "The mere fact that people are under 18 does not deprive them of constitutional rights."

Two federal circuit courts, however, have upheld juvenile curfew laws. Strossen says the ACLU will play a role in bringing a teen curfew case to the attention of the U.S. Supreme Court. Strossen says the curfew not only constitutes "house arrest" for minors, it also violates parents' constitutional right to control their children.

Others say the law is a common-sense approach to curbing crimes committed by and against young people.

Others say the law is a common-sense approach to curbing crimes committed by and against young people.

"At the hours that they're most at risk, (juveniles) need adult supervision," says Robert Teir, general counsel for the American Alliance for Rights and Responsibilities. "That's hardly irrational, and it's hardly house arrest."

The teen curfew was enacted to combat juvenile crime and protect kids from harm after dark. But Seigenthaler says a curfew aimed at juveniles fails to get to the heart of America's crime problem.

"I think the worst kind of crimes are committed by repeat offenders who are adults," Seigenthaler says. "There's no effort made by society to control them at that level. We put 'em in, we let 'em out early, they commit crimes again."

"If it's an issue of dealing with crime, then we ought to deal with crime and its root causes."

Quote from *The Nation,* June 24, 1996.....

WHERE ARE YOUR CHILDREN?
The curfew once had a bucolic image -- as in "The curfew tolls the knell of parting day." But now it's the latest presidential fix for urban juvenile crime. Bill Clinton's recent endorsement of this rather hoary device was, need we say, in the service of his ongoing anti-crime facelift and his strategy of portraying himself as a "sober, stern but tenderhearted father," according to *The New York Times*. (Hillary Clinton's makeover as a tenderhearted mom was presumably addressed by the adoption trial balloon.) In a New Orleans speech the Prez said that curfews, already in effect in 146 of the nation's 200 largest cities, have reduced juvenile violence, and that the practice should be extended. Yes, but..., criminologists say. Most juvenile misconduct takes place in the after-school hours, from 3 to 8. What's needed is more after-school programs. Amid the political din, no one thinks to ask young people what *they* think. In New Haven, which has twenty-two elected Young Adult Police Commissioners, officials did, and according to the American News Service's Linda Blackford, the kids were overwhelmingly against a curfew -- and for more programs like drug counseling. The cops agreed -- no curfew. Crime didn't soar.

Woodland council votes down daytime curfew for youths

By Pamela Martineau
Bee Correspondent
(Published Jan. 29, 1997)

■ WOODLAND -- The Woodland City Council rejected a proposed daytime curfew for youths Tuesday, bucking a statewide trend of cities allowing police to cite kids for being on the streets during school hours.

In a council chambers jammed with youths carrying signs in opposition to the curfew, City Council members unanimously killed the proposal, saying it sends the wrong message to youth.

"The fact that any child can be approached without the suspicion of illegal activity is disconcerting," said Councilman Steve Borchard. "I would hate to instill fear in the young population."

The proposed ordinance would have allowed police to cite school-age children who are on the Woodland streets between 8 a.m. and 3 p.m. without their parents or written permission. Curfew violators could have been fined, although the amount had not been set.

The proposed daytime curfew ordinance was modeled after similar curfews that are being enforced in Fairfield, Millbrae, Monrovia and about 20 other California cities.

Sacramento officials have said they are looking into a similar proposal, as have Rocklin officials.

Curfew proponents said it gives police and school officials extra power in reducing habitual truancy that, they say, leads to increased crime.

"Truancy is the gateway into crime," Debbie Gable of the Yolo County Probation Department told council members.

But many Woodland parents spoke against the proposal, saying a curfew would infringe upon their children's rights. They said the police already can issue loitering citations if students are on the streets during school hours.

"We need to help our students stay students and not change their status to criminals," said Yvonne Powell, a parent.

All but one of the roughly 20 people who addressed the City Council opposed the curfew, citing reasons ranging from fears that it would be unconstitutional to concerns about how students off track in year-round schools would be identified.

"If I saw a police car come behind me, I would be scared to death," said Jennifer

Christopherson, who is a home-schooling student.

"This would implement a martial-type law on our youth," said Armando Fernandez, a former Woodland police officer and father of four. "We need to come up with a better solution."

Copyright © 1997 The Sacramento Bee

The Sacramento Bee

16 kids booked in Florin curfew sweep

By Oscar Hidalgo
Bee Staff Writer
(Published Sept 07, 1996)

■ Nearly 80 Sacramento County sheriff's deputies and probation officers swept through the Florin Road area late Friday night, rounding up juveniles out after the 10 p.m. curfew.

The 10 p.m.-to-2 a.m. sweep by the officers -- many of whom were volunteering their time -- resulted in 16 juveniles being booked at the Jose P. Rizal Community Center, Florin Mall Drive, by 11 p.m. Four adults also were picked up.

"We have many juveniles out late," said Lt. Tom Carter, "and there are a lot of things that they can get into at night. We're trying to make a difference for the people in this community. We're trying to lower some of the crime."

The county's curfew ordinance states it is against the law for anyone under age 18 to loiter, idle, wander, stroll or play in public places, as well as places of amusement and eating places, between 10 p.m. and sunrise, unless they are accompanied by an adult, or on the way home from an activity.

Minors caught breaking curfew and their parents face misdemeanor charges, and may be fined between $25 and $50 on the first offense, or could face up to a month in jail.

In past sweeps, the offending juveniles were given warnings. Friday night, however, parents were summoned to hearings and citations were issued. Carter said most sentences involved community service to be performed with in the next two weeks.

Officers swept through area parks, apartment complexes, restaurants or anywhere teenagers were congregating.

"We have a lot of juveniles in this area out after curfew every night," Carter said, "especially Friday nights.

"(Using sweeps) has a tendency to bring down the crime rate among juveniles," he said. "We've seen a drop in burglary, car theft and 'snatch-and runs' " thefts from convenience stores.

Copyright © 1996 The Sacramento Bee

Youth curfew could be vulnerable to court challenge
Louiseville needs to justify proposal, experts say

The Courier-Journal, January 31, 1997
Copyright 1997 The Courier-Journal
By: Rick McDonough
Reprinted with permission

The ordinance to be considered by the Board of Aldermen offers no evidence for the need to keep youths off the streets specifically at night.

Louisville's proposed youth curfew might have trouble surviving a court challenge if city officials don't do a better job of showing a need for it, experts said yesterday.

Just last year a federal judge struck down Henderson's curfew because the city had no evidence showing that children were any more likely to commit crimes - or be crime victims - at night than during the day.

Louisville's proposed ordinance, which the Board of Aldermen is expected to approve for a one-year trial by the end of next month, cites an increase in juvenile crime and gang activity as justification for a curfew, but it doesn't offer any evidence for the need to keep youths off the street specifically at night.

"It's not sufficient that adults are upset at seeing young people on the street late at night," said Everett Hoffman, executive director of the American Civil Liberties Union of Kentucky, which has vowed to fight any ordinance it considers unconstitutional.

Across the nation, state and federal courts have issued mixed rulings on youth curfews, which are now in place in about 1,000 American cities, including in about 80 percent of the 200 largest. The U.S. Supreme Court has never addressed the issue.

"As a general proposition, it's a toss-up whether a curfew will be ruled constitutional or not, depending on which judge you get," said Mark Hessel, former senior staff attorney for the National Institute of Municipal Law Officers in Washington.

But curfew laws are more likely to be struck down if they don't justify their existence or are overly restrictive, said William Ruefle, a University of South Carolina criminologist.

"You have to have statistics showing the need for them," he said. And the ordinance needs to be tailored to the local community, he said.

The curfew decision legal experts mention most often is a 1993 5th U.S. Circuit Court of Appeals ruling that upheld the constitutionality of Dallas' curfew, which President Clinton touted last year as a national model.

It's the only federal curfew case that has been appealed beyond the trial court level. It stopped at the appeals court because the Supreme Court declined to hear it.

In its Dallas ruling, the 5th Circuit said any curfew restricts the fundamental rights of minors. Therefore, the court said, the curfew "must promote a compelling governmental interest, and it must be narrowly tailored to achieve this interest."

The court said Dallas met the standard partly because it offered statistics showing that juvenile crime was increasing and that most murders, aggravated assaults and rapes were likely to occur during the curfew hours.

In striking down the Henderson ordinance last July, U.S. District Judge Joseph H. McKinley Jr. noted the Dallas case. "The ordinance enacted by the city of Dallas is a narrowly drawn ordinance which, as a result, intrudes less upon the

fundamental rights of the parties affected," he wrote.

Henderson then adopted a new curfew in November. It was based largely on McKinley's ruling, and it has not been challenged, city attorney Joseph Ternes Jr. said. It notes, for example, that 19 percent of juvenile arrests or citations in Henderson occur between midnight and 6 a.m.

Alderman Keith Allison, a sponsor of the proposed curfew ordinance in Louisville, said he wasn't familiar with the federal court ruling in the Henderson case. Louisville officials focused more on complying with state law, he said.

"This isn't about numbers, it's about children," he said.

But Allison said he's confident the statistical evidence justifying a Louisville curfew is available and can be added to the ordinance if it's needed to pass constitutional muster.

Citing the only statistic he had available, Allison said that in 1994 more than 1,000 juveniles were arrested in Louisville between 11 p.m. and 5 a.m. He didn't know what percentage of juvenile arrests that represented.

To comply with state law, Louisville would hold parents, not children, responsible for repeated violations. A 1990 Kentucky Supreme Court ruling threw out a Covington curfew because it made criminals out of juveniles, and curfew violations are not a crime under the state juvenile code.

The 1996 General Assembly rejected a request to give local governments the power to enforce curfews against teens, not just their parents.

If a youth violated the curfew three times under Louisville's proposed ordinance, his or her parents could be prosecuted for endangering the welfare of a minor and face a fine of up to $500.

It would apply to youths 17 and younger. They would have to be inside between 11 p.m. and 6 a.m. Sunday through Thursday and between midnight and 6 a.m. on Friday and Saturday. But there is a list of exceptions similar to those allowed in Dallas, Henderson and elsewhere. They include juveniles being out with their parents, running an errand for their parents, on an emergency or attending an event sponsored by a school, church or government.

If a youth was picked up for violating the curfew, he or she would be taken to a community center and would be released only to a parent or authorized adult.

Hoffman, of the ACLU, commended Louisville's aldermen for trying to draft an ordinance that doesn't make criminals out of young people. But he predicted that the ordinance would fail a constitutional challenge if city officials don't statistically demonstrate that a curfew is needed to address local juvenile crime.

Hoffman said that if the aldermen can leap that hurdle, he and the ACLU then would monitor police enforcement of the ordinance. If young people are not being treated the same in all areas of the city, that could lead to a federal court challenge.

"We have concerns about discrimination in enforcement," he said.

CURFEW LAW FOR YOUTHS IN D.C. IS OVERTURNED BY FEDERAL COURT

Los Angeles Times, October 30, 1996
BYLINE: From Associated Press
Reprinted with permission

A federal court Tuesday declared a curfew law in the nation's capital unconstitutional, ruling it violated the rights of minors and parents.

The decision came in a case brought by the American Civil Liberties Union last November on behalf of a group of eight teenagers, four parents and a local business.

U.S. District Judge Emmet Sullivan issued an order rejecting the district's argument that children were protected by the curfew, which took effect Sept. 20,1995. The law set curfews of 11 p.m. to 6 a.m. on weekdays and midnight to 6 a.m. on weekends for children younger than 17.

"This ruling makes it clear that curfew laws violate the constitutional rights of children and parents, while doing nothing to make our streets safer," said Arthur Spitzer, ACLU legal director for the capital area.

Disappointed by the ruling, District Mayor Marion Barry described the curfew as an important tool in protecting minors from crime.

"I regret that the U.S. District Court did not agree and that the court has given a thumbs down to a well-thought-out effort to combat crime in the district," Barry said in a statement, adding that the city corporation counsel will study the decision for a possible appeal.

The ruling calls into question one of the proposals of President Clinton, who has recommended that cities enact curfews to keep youths under 18 off the streets after 8 p.m. on school nights, 9 p.m. in the summer and 11 p.m. on weekends.

Republican presidential candidate Bob Dole has also spoken favorably of curfews in some communities but has said he does not support a federal curfew.

In the Washington case, the city argued the curfew didn't violate equal protection guarantees because it was imposed to protect children from becoming victims or perpetrators of crime. Sullivan's ruling said the city failed to show how the curfew would do that.

"In the court's view, this legislation was not narrowly tailored by the City Council to sanction the government's erosion of one of the most comprehensive and valued liberty interests afforded citizens of a civilized society: the cherished freedom of movement," Sullivan wrote.

CRITICAL THINKING QUESTIONS
Association

1. Do you and your classmates need curfew?

2. Should a curfew law be a local matter or should it be set by the state?

3. Should a curfew have reference only to a certain age? What age? Should any other groups (like old people, women) have a curfew?

4. Is a curfew law worth having even if there are few police resources available to enforce it?

5. What should the consequences of breaking the curfew law be?

6. Do you think a curfew law is unconstitutional?

Appearance

It is currently a misdemeanor to tattoo or offer to tattoo a person under the age of eighteen. Proposed legislation will increase the restrictions on tattooing by establishing sanitation and safety standards for those in the business. Restrictions similar to those which apply to tattooing have been proposed for body piercing.

The issues raised by the Brown bill (AB 186) and by the Runner bill on body piercing (AB 99) are discussed in a number of newspaper articles in this section. These bills deal with issues related to sanitation, safety, parental and legislative control. The articles will give you an opportunity to enter the debate.

Table of Contents
Appearance

	Page
Appearance	39
Table of Contents	40
AB 186 - Tattooing, Body Piercing, and Permanent Cosmetics	41
AB 99 - Body Piercing	41
Lawmakers May Punch a Hole in Piercing Sacramento Bee, March 14, 1997	42
Clamping Down on Teen Piercing; Mixed Reviews to Making Parent Consent Mandatory San Francisco Examiner, January 26, 1997	44
Bill Seeks OK of Parents for Body Piercing Los Angeles Times, January 24, 1997	46
Rules, Rules and More Rules St. Petersburg Times, April 15, 1996	48
Assembly Debate Stalls Youth-Piercing Bill Sacramento Bee, March 12, 1997	50
Tattoos Not For Everyone Washington Times, January 14, 1997	51
Special Report: Body Piercing, Tattoos Leaving Mark on Health Sacramento Bee, October 8, 1996	52
Critical Thinking Questions	54

47

AB 186 - Tattooing, body piercing, and permanent cosmetics

by Assemb. Brown

- **Status:** Status. AB 186. as of 1997-02-25 -- (text) | (write)
- **History:** History. AB 186. as of 1997-02-21 -- (text) | (write)
- **Current:** AB 186. Introduced 1997-01-30 [10.5KB] -- (text) | (write)
- **Introduced:** AB 186. Introduced 1997-01-30 [10.5KB] -- (text) | (write)

All bill related documents:

- AB 186. Introduced 1997-01-30 [10.5KB] [10KB] (text) | (write)

---

excerpt from Tattooing, body piercing, and permanent cosmetics text...

> Existing law provides that it is a crime to tattoo or offer to tattoo a person under the age of 18 years.
> This bill would direct the State Department of Health
> Services to establish sterilization, sanitation, and safety standards for persons engaged in the business of tattooing, body piercing, or permanent cosmetics, and to distribute those standards to county health departments.

AB 99 - Body Piercing

BILL NUMBER: AB 99 INTRODUCED 01/08/97

INTRODUCED BY Assembly Member Runner

JANUARY 8, 1997

An act to add Section 652 to the Penal Code, relating to body piercing.

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as introduced, Runner. Body piercing.

Existing law makes it a misdemeanor to tattoo or offer to tattoo a person under the age of 18 years.

This bill would make it a misdemeanor to perform or offer to perform body piercing, as defined, upon a person under the age of 18 years without the written consent of that person's parent or guardian. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

LAWMAKERS MAY PUNCH A HOLE IN PIERCING

Sacramento Bee, March 14, 1997

By: John Boudreau, Knight-Ridder Newspapers

Reprinted with permission of Knight-Ridder/Tribune Information Services

In the '90s, it's simply not enough to demurely pierce ears. The young and restless want flash at all body points. And why shouldn't they? Their icons -- the likes of Madonna and Red Hot Chili Peppers guitarist Dave Navarro -- have a lot of holes in them. But they never had to ask their parents for permission to pierce.

For teens, though, the decision of whether to pierce a cheek or eyebrow soon may no longer be theirs. A proposed law would make it a misdemeanor to pierce a minor without a note from Mom or Dad. A California legislator wants parents to decide what, if any, body part of their under-18 teenager can be poked.

Assemblyman George Runner, R-Lancaster, insists he's not a piercing prude. "Our issue is: Before some stranger starts poking holes in your child, parents should know about it," he says. "It's a common-sense issue."

For young people, though, the proposal is an attack on their culture.

"It's stupid," says Jason Burns, a 21-year-old worker at Blondie's Pizza in Pleasant Hill, Calif. He got his ears pierced on a Berkeley street when he was 17. "If you can take someone's life in your hands and drive, you can put a hole in your ear. It's a waste of our government's time and money."

In an era when male executives can get away with discreet earrings, it takes a lot more for teens to attain that shock of defiance.

"It's more than the kid who lives in Berkeley and follows a punk rock group," says Rick Van Nieuwburg, Runner's chief of staff. "It's your average kid, a daughter of a middle-class family with a belly button ring, or a son with a tongue "barbell.' It's amazing."

Young people are embracing practices from ancient cultures, observes pop culture expert Stuart Ewen. It's a subtle rejection of modernism, a gender-bending expression that reveals the primitive essence of humans regardless of tribe.

Underground piercing parlors are popping up around the country. Piercing occurs at parties, street fairs, virtually any social scene. Young people pierce themselves and each other. Indeed, regulation is unlikely to entirely prevent teens bent on getting a pierce.

It's a misdemeanor for tattoo parlors to tattoo a minor, but perfectly legal to pierce a teen. In fact, body piercing in California is completely unregulated.

Several other states have adopted body-piercing health regulations and parental-consent laws. In California, though, similar regulations have so far been defeated. Gov. Pete Wilson said there wasn't enough evidence that a health threat existed and in 1994 vetoed a bill establishing minimum safety standards for piercers. The bill's author, Assemblywoman Valerie Brown, D-Santa Rosa, is considering reintroducing the legislation this year.

Runner's bill may help pave the way, says John Latimer, Brown's chief of staff.

"To cut hair, you have to be licensed," Latimer says. "It's unsettling that there isn't anything remotely close to this for permanent cosmetics and body piercing. "

Piercing can be a medically safe procedure. However, when done improperly, or with equipment not sterilized, health risks arise. Most skin infections are treatable. But HIV and hepatitis can be spread through unclean needles.

"It's not a public health problem," says Dr. George Jordan, professor of medicine at the UC-Davis Medical Center. "But I disagree with the governor's veto. If this practice continues to be popular, there should be some regulations from the standpoint of using sterilized needles. From a physician's point of view, the thought of placing an unsterilized needle in your body makes my skin crawl. It's nuts."

Runner's idea is endorsed by the San Francisco-based Association of Professional Piercers.

"We've been requiring minors to have parents' permission for the last 20 years," says Debra Miller, store manager of San Francisco's Gauntlet, one of the state's oldest professional piercers. "I'm not for lots of laws," she says. "But if you hang up a shingle that says "piercing,' you can do pretty much do what you want. We see a lot of bad piercings."

CLAMPING DOWN ON TEEN PIERCING;
Mixed reviews to making parent consent mandatory

The San Francisco Examiner, January 26, 1997
By: Gregory Lewis and Carol Ness
Copyright 1997 The Hearst Corporation
Reprinted with permission

From those who do it for sexual arousal to those who find it spiritually fulfilling, piercing fetishists are poking holes in a proposed bill to require teenagers to get parental consent for body alterations.

"It's part of an expression of who you are," Kandacy Taylor said Saturday after getting her navel pierced at the Gauntlet on Market Street near Castro.

"They will find some other ways to express themselves," she said. "Passing a law to stifle someone else's creativity is a waste of time."

Earlier this month, Assemblyman George Runner, R-Lancaster, introduced a bill that would make body piercing on anyone under age 18 illegal without written consent of a parent or guardian. The misdemeanor offense would carry a $250 fine.

Taylor, 25, said that if the bill passes, underage teenagers who want body piercings will do it themselves, ask friends or find their way to seedy parlors.

Most shops in San Francisco say they support the bill and take precautions when it comes to teenagers wanting piercings.

Runner proposed the legislation after a call from a constituent, Loretta Rollins of Santa Clarita. She was horrified when her 16-year-old daughter came home with a pierced navel. After the family discussed it, the girl removed the navel ring.

"I didn't respond to this as a big issue but as a parents' rights issue," Runner said. "Parents need to be involved in making the decision. If our society doesn't provide what I think are sensible roadblocks for kids, then kids are able to make those decisions without proper communication with their families."

Runner said he and his staff did find an existing law that makes it illegal to tattoo anyone under the age of 18. But he said they found nothing that restricts body piercing for children and teens.

Tyler Fitzgerald, a 25-year-old body piercer at Anubis Warpus in the Haight-Ashbury, believes that parents should indeed have a say in minors' decisions about body piercing.

"We explain to minors they must bring a parent with them and everybody has to show ID. If I pierced someone who was a minor and the parent sued us and there was damage to the child, I've heard I could be charged with child endangerment. I don't want that kind of record."

Paisley House, a body-piercing shop in Campbell, is the exception when it comes to an underage clientele.

"We are one of the few places who do body piercing on minors without a parent being present," said owner Angel Llewellyn.

Llewellyn, a 28-year-old with 15 piercings, angered her parents when she first pierced herself at age 13.

"We let the minors take it upon themselves to get their parents' positive permission," she said. "We figure if they can pay for the piercing and make it down here on their own, then they're mature enough to talk to their parents on their own."

Her shop gives minors a long form, witnessed by two people, that says in part: "Yes, I have talked to parents about my decision. My parents positively agree with my decision to be pierced and I do have my parents' permission. My parent will not call or physically harass the Paisley House for services that I insisted on and even demanded and I paid for with my own money. ... I have not lied about getting my parents' permission."

Paul Thorpe, 37, who owns Body Manipulations in the Mission District and has eight piercings, called Runner's bill "a good idea."

"It's not going to stop kids from piercing themselves," Thorpe said. "But in this industry it's going to tighten things up so if somebody's coming into the shop and getting pierced, the parent has to come in with the child and get information about after-care. So I don't have any problem with it."

But Gail Smith, a 21-year-old with a self-administered nose piercing and a pierced lip done by a friend, said the bill "doesn't really matter because kids will still be able to do it."

"They can get the needles," she said. "It's so easy to do."

Smith pierced her nose at age 16 with a safety pin. She also got an "Edgar Allen Poe" tattoo on her back when she was 16, done by a friend at a parlor, although it was against the law. Her parents didn't like it much because it was permanent, she said.

Some people worry that a law would force teenagers into using their own devices and injuring themselves.

"Piercing can be damaging, especially when it's done on the genitals or the tongue," Smith said. "You could really hurt yourself. Lips, ears and noses don't hurt."

But Thorpe disagrees.

"I fix a lot of nose piercings that were done with ear piercing guns that were done on kids at the mall who are under 18," he said. "So I know it happens. Studs (used in the ear machines) are only designed to go through soft tissue. When they go through the nose they run into ... cartilage and mucus membrane. You can do a lot of damage to cartilage. We use hypodermic -type needles. You can sterilize them, dispose of them after each use. Ear piercing guns cannot be sterilized."

Thorpe said that he does a half-dozen genital piercings a week, compared with 20 navel or tongue piercings. Noses and navels are the most popular.

Jeremy Maddox, 19, who had just gotten both nipples pierced at the Gauntlet "for the fun of it, the look and when-I'm-in-bed arousement," said teenagers should have the right to do "whatever they want with it because it's their bodies."

Maddox said teenagers know how to follow directions and that preventing infection is a matter of following directions and keeping the puncture wound clean.

He also expressed concern about the bill forcing youths to unscrupulous parlors, where HIV or hepatitis could be passed along through the use of dirty needles.

BILL SEEKS OK OF PARENTS FOR BODY PIERCING

Los Angeles Times, January 24, 1997

By: Jenifer Warren

Copyright 1997 Times Mirror Company
Reprinted with permission

Madonna pierced her navel. Axl Rose put a ring through his nipple. And Dennis Rodman, basketball's baddest of bad boys, poked a hole in his nose.

In case you've snoozed through the mid-1990s, body piercing is big, really big. Young people, especially, have embraced the art, puncturing the tongue, eyebrows and other parts with gusto. Soon, however, California teens may no longer be contemplating whether to pierce or not to pierce. A Republican assemblyman wants to take that decision away from minors, requiring parental consent before the needle hits the skin.

"I'm not anti-piercing," insisted Assemblyman George Runner Jr. of Lancaster. "I'm just pro-parents' rights."

Runner has introduced a bill that would make it a misdemeanor to pierce a minor without written permission from a parent or guardian. All body parts--from earlobe and lip to bellybutton and beyond--would be covered if the bill becomes law.

A newly elected assemblyman, Runner never imagined that body piercing would be on his agenda when he took his seat beneath the Capitol dome. "I don't recall highlighting it in my campaign speeches," he quipped.

But Runner--father of an unpierced son and an ear-pierced daughter--quickly got interested in the topic when a constituent called with a complaint. The caller, Loretta Rollins of Santa Clarita, said her 16-year-old daughter had managed to get her navel pierced without Mom's approval.

"I couldn't believe that someone could legally stick a needle in my kid without asking me first," Rollins said. As she found out, there is no law governing the piercing of minors, although some shops have adopted policies requiring that parents give their OK.

"It seems to me there are some decisions that a parent should be involved in," Rollins said. "Like this one."

Reportedly contrite, young Natalie Rollins has removed the offending ring from her bellybutton, a task that required pliers. The teenager is rubbing Vitamin E oil on her midriff and hopes the red mark left by her piercing adventure will soon fade.

Assemblyman Runner is worried about piercing problems that go beyond the cosmetic, and health experts confirm that he has reason to be concerned.

An ancient tradition in some cultures, body piercing is not harmful if done safely. Once a hole is made, a bar or ring of inert metal--gold or corrosion-resistant steel--is inserted, and skin soon regrows in the channel, closing the wound.

But problems can occur with improperly placed piercings and equipment that is not sterilized. Beyond basic infections, which can be easily treated, HIV and hepatitis can be spread through needles reused and not thoroughly cleaned.

Also, piercings in some locations can be inappropriate for young bodies that are still maturing. And scarring, nerve damage,

speech difficulties and numbness can occur if the piercer is not a pro.

"This is a procedure that can have long-term effects on a child's body," Runner said. "It's not like changing toothpastes."

If the bill becomes law, it will mark the dawn of regulation in California's body piercing industry, which has operated without standards for training, sanitation and equipment sterilization.

Several veteran piercers said they already require parental consent and welcome the Runner legislation. Indeed, some urged him to go further, requiring a parent to be present for the piercing.

"The problem is, you'll get a lot of fake parent signatures," said a woman who goes by the name "Cross" and owns a Los Angeles piercing salon called Primeval Body. "I stopped doing kids under 18 because I don't want some pissed off father coming in here and threatening my livelihood."

Michael Hare, owner and senior piercer at The Exotic Body in Sacramento, has been visited by some of those "pissed off fathers" and thus only pierces minors with a parent's permission.

Hare, who sports five pierces in his ear, and one each on his nipple and genitals, said what's really needed are rules requiring licensing and sanitation standards--regulations that would purge the industry of unscrupulous amateurs.

"I can't tell you how many botched piercings I've had to fix," Hare said Thursday, pausing between a navel pierce and a "tongue stretch"--in which a hole in the tongue is stretched to accommodate wider jewelry.

"We've got to get some regulations before some senator's daughter gets hurt and the whole industry comes to a screeching halt."

The Assn. of Professional Piercers, a San Francisco-based group, endorses that very goal. In 1995, a bill enacting regulations for piercers passed the state Legislature but was vetoed by Gov. Pete Wilson, who said there was no evidence of a significant health threat.

The bill's author, Assemblywoman Valerie Brown (D-Kenwood), said she may revive the legislation this year. Several other states--Kansas, Arizona and Oregon among them--have adopted laws that include parental consent requirements and regulations like those proposed by Brown.

So far, Runner has received no formal opposition to his bill, though he has not polled teenagers, some of whom may feel that getting a note from the folks takes some of the thrill out of getting pierced.

Carrie Cockrell, 20, wanted to get her navel pierced long before she turned 18, but "Mom said no way." Mom still says no way, but on Thursday, Cockrell fulfilled her dream anyhow, paying Hare $ 55 for a jeweled green bellybutton ornament, which she will conceal in the presence of her parents.

"I think it looks sexy," Cockrell said, admiring her belly in a mirror as Hare reminded her to wash the wound daily. "I'm gonna come back in a few weeks for a tattoo."

Rules, rules and MORE RULES

St. Petersburg Times, April 15, 1996
By: Pamela Davis-Diaz
Copyright 1996 Times Publishing Company
Reprinted with permission

Rules and regulations. You've got them at home, you've got them at school and now the state of Florida is trying to make sure you get more of them.

Legislation time in Tallahassee means control time for most of us. And this year, several proposed laws will directly effect you if passed:

Making the grade: The Florida senate has approved reforms that would require kids to have a C average (2.0) instead of a D average (1.5) to graduate. Add to that requirement this math problem: Students will have to take algebra I or its equivalent before graduating.

Lighting up: A measure to keep students under 18 from smoking within 1,000 feet of schools has been approved. If caught, students could be slapped with a $25 fine, 50 hours of community service or required attendance in an "anti-tobacco" course. And that's not enough for some lawmakers. Underage smoking may become illegal everywhere, not just near schools.

Parents and piercing: Legislation is in the works that would require kids under 14 to be accompanied by their parents when getting pierced (anywhere other than the earlobe) or tattooed. Kids age 14 to 18 would need a note from their parents for those procedures. State law already requires kids younger than 18 to have written parental consent for tattooing.

Faking IDs: A bill has been passed that will make the use of any kind of fake identification a felony.

Waiting: A bill has been approved that would require women younger than 18 to wait 24 hours and obtain counseling before getting an abortion.

So what's going on here?

Is this a case of adults looking out for the welfare of kids or is it an intrusion, a violation of individual freedom and another example of how adults try to control the lives of those who have no power and no voice?

"Think about it for a minute," said 14-year-old Jason Klein of Seminole. "Ever since we're born, we're told what to do by our parents, our teachers, everybody. They think they have to control us."

Some kids think the government is trying to run their lives.

"It's harmful because it's just going to make the kids even angrier," said 16-year-old Jason Ladd of Tampa. "There's nothing you can do, because if you're under 18, you're nothing. It's going to affect kids, and then they're going to affect the government back with crime and violence."

But some said it might not be so bad.

"I know a lot of kids whose parents don't care what they do. Kids skip school, drink, smoke . . . nobody cares. It's really sad," said 14-year-old Amber Clark of Largo. "If kids were allowed to do everything they wanted, they'd have fun but they wouldn't get anything done. Somebody has to be looking out."

"As long as we keep in the boundaries there are not that many problems," said Rebecca Watkins, 17, of Brandon.

In fact, maintaining a C average and taking algebra can only help you in the long run, some say.

"You have to have a college degree to get most jobs, and you have to have good grades to go to college," Rebecca said.

Riverview resident, Glenda Meyer, 17, agreed. "Why not get it over with as soon as you can. If you have to try to learn (algebra) in college you'll be a lot more behind than a lot of the other students."

It's the body-piercing issue that brings about the most debate from kids.

"It's our body. We should be allowed to do what we want," Jason said.

On the other side, "What if they (the piercing and tattoo parlors) don't sterilize their instruments? What if you get sick? Or get AIDS?" asked 15-year-old Heather Martucci of St. Petersburg.

Staff writer Tom Zucco contributed to this report.

ASSEMBLY DEBATE STALLS YOUTH-PIERCING BILL

Sacramento Bee, March 12, 1997

By: Jon Matthews

Copyright 1997 McClatchy Newspapers, Inc.
Reprinted with permission

A bill to ban body piercing of minors who don't have their parents' permission stalled Tuesday in a vocal and divided state Assembly committee.

But while several lawmakers sounded highly skeptical of the proposed law, the bill's author -- supported by the concerned mother of a teenager -- said he hasn't given up hope for eventual passage.

"I'm hopeful that common sense will reign and we will say that parents should give permission before somebody puts a hole in their child," said Assemblyman George Runner, R-Lancaster.

Several members of the Assembly Public Safety Committee, however, said the issue wasn't that simple. They questioned whether such a law was really necessary for 17-year-old teenagers who decided to have their ears pierced, whether new rules would tempt more teens to try unsterilized piercing at home, or whether the state should even wade into such parent-child matters.

"I don't hear too many complaints about 17-year-old girls getting their ear pierced and creating a great social uproar or legislative need," said Assemblywoman Carole Migden, D-San Francisco.

Getting ears pierced at a jewelry store "is something we did as girls, I might add, which wasn't seen as too outrageous or unhygienic or in any way dangerous or risky," Migden added.

But Loretta Rollins, a Newhall mother who prompted Runner to introduce the bill, told the committee that she felt differently after spotting a belly button ring worn by her teenage daughter.

"I believe that as parents we have a right to be involved in the decision-making process," Rollins said.

Assemblyman Larry Bowler, R-Elk Grove, said many parents still need to be educated about body piercing.

"There are moms and dads out there who don't know that kids stick needles in their (genitals). Ow!" Bowler said.

As originally introduced, the bill would have made it a misdemeanor to "perform or offer to perform" body piercing on a person under 18 without the consent of that person's parent or guardian.

But as amended, the measure would make that offense either a misdemeanor or a less serious infraction. Other amendments would make it a misdemeanor or infraction to pierce a minor's nipple or genitals regardless of whether he or she had parental permission.

Numerous additional amendments were added on Tuesday. The committee voted to exempt simple ear piercing from the permission requirement. Runner also agreed to amendments to exclude friends or other non-commercial piercers from penalties. Commercial piercers who appeared at the hearing voiced differing opinions about the bill, with one supporting the measure and another expressing doubts about its provisions.

Committee members remained divided on whether they should vote to advance the measure, AB 99, to the Assembly Health Committee. In the end, any vote was delayed for at least a week.

"I don't intend to vote for the bill. I think there are too many holes in it," said Assemblywoman Sheila Kuehl, D-Santa Monica, to laughter.

Tattoos not for everyone; New bills intended to protect minors

The Washington Times, January 14, 1997

By: Sean Scully

Copyright 1997 News World Communications, Inc.
Reprinted with permission

Maryland lawmakers are eyeing a clampdown on the popular youth practices of tattooing and body piercing.

A series of new bills would either require parental consent for anyone under 18 to get a tattoo or piercing, or ban it altogether for minors.

"It's a parental-rights issue," said state Sen. David Craig, a Harford County Republican who introduced a tattoo bill.

The three bills already introduced merely require tattoo studios to check the identification of a customer. Two bills now in the works, though, would set up a complete licensing system for tattoo and body-piercing businesses, in addition to limiting access for minors. Both bills are likely to let minors get their ears pierced without parental consent.

The rush to regulate tattoos and body piercing started in September, when Dundalk mother Sally Dietrich, 44, discovered that her 13-year-old son had gotten a bulldog tattooed on his chest from a tattoo artist at a flea market. She discovered, to her horror, there was no regulation of the tattoo industry in Maryland - not even basic health standards.

"I was very, very angry - I just couldn't believe it. . . . I think there should have been a law on this a long time ago," she said. "There are so many laws out there."

Since Mrs. Dietrich's case, which made national headlines, state health authorites have imposed basic health rules for tattoo and body-piercing businesses, but they don't go as far as the proposed bills in the General Assembly.

Perhaps surprisingly, the tattoo industry is right behind the regulation effort.

A reasonable licensing effort would shut down fly-by-night operations that give the industry a bad name, said Ed "Mouse" Massimiano, an Edgewood tattoo artist and organizer of the nationwide Association of Professional Tattooists.

"We're trying to get away from the biker and drunken-sailor image," he said.

"We don't need to tattoo people that young anyway," said Elkton tattoo artist Robert Massimiano, an APT board member and younger brother of Ed Massimiano.

"Most of the professionals who would be affected by the law are already exceeding any standard that would be put on," said APT past President Bob Montagna, a New Jersey tattoo artist.

The Sacramento Bee

Special Report: Body piercing, tattoos leaving mark on health

By Kathryn Dore Perkins
Bee Staff Writer
(Published Oct 08, 1996)

■ By the time the 16-year-old girl reached the office of Dr. Dennis Cunniff, her diagnosis was all but confirmed by her symptoms: nausea, vomiting and jaundice.

It was obvious to Cunniff, an infectious-disease specialist at the New Jersey Medical School in Newark, that the girl had hepatitis. What triggered the alarm he has sounded nationwide was that she represented the growing number of young patients who contracted the disease from tattooing or body piercing.

A mountain of medical literature documents the risk of infection from piercing the skin with unsterilized instruments, but no agency tracks cases of hepatitis by cause, Cunniff said, so numbers on this trend are elusive.

Yet all the elements point toward a public health problem: infections being spread among young people ignorant of the risks that body piercing and tattooing pose.

"I'm seeing patients with things pierced that I couldn't imagine being pierced. Multiple piercings seem to be the rule rather than the exception," Cunniff said. "I have a medical student with nine eyebrow piercings."

Hepatitis B and C, inflammations of the liver often caused by viral infection, are contagious and can be fatal. They can be transmitted by blood, unprotected sex and dirty needles. Cases traced to tattooing and piercing typically are caused by unsterilized equipment and sharing pigment or paint containers, Cunniff said.

It's hard to miss the popularity of tattooes and pierced anatomy art with teens and Generation X-ers. They are everywhere.

"It's addictive," said 19-year-old Tristin Lambkin, a Sacramento City College student. "Once you have one, you want more."

Cunniff theorizes this generation is upping the ante on youthful rebellion. "These are the children of people who grew up in the '60s and '70s, and it's harder to shock them."

That's part of it, but it's also a search for identity and uniqueness, said Robert Valois, associate professor at the University of South Carolina School of Public Health.

As for the pain, permanence and health risks, Valois said, "that defines the extent to which kids are willing to go to be cool. Risk-taking is part of growing up. They function from an optimistic basis thinking nothing bad will happen to them. I have a niece at Villanova University, a bright, scholarship kid. She wanted to get a tattoo. I kept telling her, 'Amy, you're nuts to get a tattoo; it's forever.' "

Casey Brownfield, who lives in Folsom, said the ring through her nose makes her feel unique. "Ever since I was a little girl I have been fascinated with body piercing," she said. "I remember going to Disneyland and seeing punk rockers with their pink hair and body piercing."

At 16, she pierced the side of her nose and inserted a jewel. "My mom made me take it out," said Brownfield, now 20. My mom still doesn't like it. I know it embarrasses her. But I really don't care that she is worried about what people think. If somebody doesn't like me because of the way I look, they can keep walking."

Her friend, Amy Hall, a 22-year-old Sierra College student who lives with her family in Orangevale, got a nasty infection from nose piercing. She prefers tattoos. Her first was a Grateful Dead bear on her shoulder, drawn in a garage by a friend entering the business. Disease did cross her mind, she said. "I thought, 'I don't want to get AIDS.' But he assured me he was using clean needles."

Hall's fear of contaminated instruments is well-founded.

"If you get chronic hepatitis and need a liver transplant, or contract HIV (which causes AIDS), that is scary," said Dr. George Jordan, professor of medicine at UC Davis Medical Center, Division of Infectious Diseases. Tattooing is a classic cause of hepatitis, Jordan said, although the link is not always obvious because the tattoo and disease can be separated by six months, he said.

Owners of tattoo and body piercing parlors also are concerned. A too common occurrence from body piercing is bacterial infection, said Michael McCafferty, owner of Body Fantasy, Body Piercing and Exotic Leather in midtown. "I probably fix a dozen problematic piercings every couple weeks because (practitioners) don't take the care and time to do it properly and have no concept of sterile methods," he said.

The owner of The Body Embellishment, also in midtown, who identified himself only as "Court," agreed that standards are loose and that the state should regulate the industry. In his midtown parlor, "everything that touches the skin is disposable -- razors, ink, gloves, needles, corks, alcohol and cotton swabs, even the tray I rest my finger in," he said.

In 1994, the California Legislature passed a bill sponsored by Assemblywoman Valerie Brown, D-Sonoma, that would have established safety standards for tattooing and piercing. Local health departments would conduct inspections supported by fees.

Gov. Pete Wilson vetoed the bill, saying there was no evidence of a public health problem and that local health officials felt the bill was unnecessary. Brown tried again last year, but the bill didn't make it out of committee, she said.

Dr. Jon Rosenberg, medical epidemiologist with the state Department of Health Services, said Brown's bill didn't meet the political litmus test of "compelling need," difficult to prove because often physicians don't report hepatitis cases.

"Health departments in other states are pondering this contradiction of an industry putting needles in people's skin under inherently unclean conditions -- which we have been addressing very vigorously in health care -- and we aren't doing anything about it," Rosenberg said. "I'm definitely starting to tilt (toward regulation) if kids are being jeopardized."

Sacramento County's chief health officer, Dr. Bette Hinton, agreed. "As far as we know we have not had hepatitis cases related to tattoo parlors, but it is possible. The majority of the time we don't know where the person got the disease," she said. "If we have a way to pay for it, I certainly feel that regulation of an industry piercing body parts is appropriate."

Regulation, however, would provide no guarantees, said Jordan at UC medical center. As the father of three young males, he said he would like to see standards.

"But that still wouldn't allay all my anxieties because I see problems in hospital settings where things are supposed to be regulated and things still happen."

Copyright © 1996 The Sacramento Bee

BEST COPY AVAILABLE

CRITICAL THINKING QUESTIONS
Appearance

1. Many athletes have tattoos. What message does this send to young people?
2. Is the tattoo message important, or is just the idea of a tattoo at issue?
3. What if a particular ethnic group valued tattooing as part of their culture. Should they be exempt from any laws that restrict it?
4. Is there a difference between piercing your ears and piercing other parts of your body?
5. When should a young person be able to decide to have a tattoo or a body ornament?
6. Should the state help parents out by passing laws that help them control their children?

01

The Future

The degree to which our behavior is controlled by others is a constantly changing factor in our society, and it is an issue of constant debate and concern. But one thing is clear about our intentions in controlling the behavior of young people - we do it first and foremost to protect them and to help them grow into responsible adults. The purpose of truancy laws is to get young people into school so that they can learn. The purpose of laws relating to appearance is to protect young people's health and to prevent lifelong choices, such as tattoos, that may be offensive to others or regretted later. The purpose of curfew laws is to protect young people and to encourage them to grow in the safety of their families.

In controlling the actions of others, conditions that are viewed by adults as supportive can be seen by young people as stifling. The search for a safe environment can, however, force us to surrender some of our most cherished freedoms.

One thing is certain. This debate will continue. New ideas and new controls will be proposed, and these new proposals will raise issues about freedom and democracy, about what we are willing to support, and about the relationships young people will have with adults. The following examples illustrate a couple of ways in which these issues will continue to demand attention.

The courts will continually seek to determine the rights of minors under the Constitution. This legal arena of public debate now focuses on the use of dogs to search for drugs on school campuses, an issue that will be debated in schools, courts and communities for some time, particularly as the case in Galt, California, goes through the courts.

These issues will also receive attention through the political arena of public debate. Two task forces, described on the following page, have been proposed by legislators to facilitate these discussions. If these task forces are formed, what you and others have to say will likely influence future legislation. If you want your views heard, contact Senators Watson and Hayden.

SB 547 - Gangs

by Senator Watson

- **Status:** Status, SB 547, as of 1997-03-27 -- (text) | (write)
- **History:** History, SB 547, as of 1997-03-27 -- (text) | (write)
- **Current:** SB 547, Introduced 1997-02-24 [10.5KB] -- (text) | (write)
- **Introduced:** SB 547, Introduced 1997-02-24 [10.5KB] -- (text) | (write)

All bill related documents:

- SB 547, Introduced 1997-02-24 [10.5KB] [10KB] (text) | (write)

---

excerpt from Gangs text...

Existing law requires the Office of Criminal Justice Planning to provide financial and technical assistance to specified local agencies and community organizations for gang violence suppression activities and programs.
This bill would create, until January 1, 1999, the California
Task Force on Gang Intervention with specified duties.

SB 980 - Crime prevention: Peace Process Task Force

by Senator Hayden

- **Status:** Status, SB 980, as of 1997-03-25 -- (text) | (write)
- **History:** History, SB 980, as of 1997-03-18 -- (text) | (write)
- **Current:** SB 980, Introduced 1997-02-27 [7.0KB] -- (text) | (write)
- **Introduced:** SB 980, Introduced 1997-02-27 [7.0KB] -- (text) | (write)

All bill related documents:

- SB 980, Introduced 1997-02-27 [7.0KB] [5KB] (text) | (write)

---

excerpt from Crime prevention: Peace Process Task Force text...

Existing law establishes various task forces, including a task force on violent crimes against women.
This bill would establish in state government the Peace
Process Task Force to hold public hearings, make findings and recommendations regarding gang violence prevention, and create a peace process in the inner cities of this state.

The Sacramento Bee

Drug-sniffing overdose

(Published March 24, 1997)

■ Schools, courts and civil liberties activists have been wrangling over the appropriateness of using trained dogs to sniff out illegal drugs on campus, a tactic employed by increasing numbers of schools in what for now is a losing battle against student drug use. But there should be little question that Galt High School's use of drug-sniffing dogs to conduct suspicionless searches of students' personal belongings intrudes too far on the students' constitutional rights.

With legal help from the American Civil Liberties Union, a Galt High teacher and two of his students are challenging as unreasonable the Galt Joint Union High School District's policy allowing unannounced inspections of lockers, cars, desks and personal belongings. And well they should.

According to a complaint filed in U.S. District Court last week by teacher Michael Millet and the students, senior Jacob Reed and junior Chris Sulamo, Galt's vice principal entered Millet's criminal justice class on Feb. 6, ordered all 30 students to exit the room but to leave their hats, jackets and other belongings behind to be sniffed. Reed refused to give up his belongings and was sent to the principal's office, where he says he was ordered to submit to a search of his belongings, his pockets and the socks he wore. No drugs were found.

During the search of the classroom, a dog showed interest in a jacket and book bag belonging to Sulamo, who was sent to the principal's office. There, with a police officer present at his request, his pockets, clothing and socks were searched. The principal also disassembled his pens. Nothing illegal was found. The school district has declined to discuss the students' allegations until it has examined the suit.

In addition to questioning the wisdom of disrupting a lesson, introducing dogs into a classroom and randomly separating students from their personal belongings, mothers and fathers all over may want to know why the principal searched the clothing Reed and Sulamo were wearing without their parents present.

In their legitimate desire to keep drugs off campus, schools all over the state are using dogs. But there are less intrusive ways to use them: The Elk Grove Unified School District, for example, only allows the dogs to sniff lockers and parked cars, and only while students are in class, thus avoiding both disrupted class time and students' direct exposure to the dogs. That, at least, limits the search to property that belongs to the school -- its lockers and parking lot. Galt's approach is far more invasive.

If there's a positive aspect in any of this, it's that two students and their teacher have embarked on what promises to be a memorable lesson in the Constitution's protections of individual liberties, and how far they extend to minors on a high school campus. This may be the courts' first opportunity to rule on whether this kind of dog-sniffing policy oversteps constitutional protections against random search and seizure. From this angle, the answer ought to be yes.

Copyright © 1997 The Sacramento Bee

BEST COPY AVAILABLE

The Sacramento Bee

Locally owned and edited for 140 years

JAMES McCLATCHY, *editor, 1857-1883*

C.K. McCLATCHY, *editor, president, 1883-1936* ELEANOR McCLATCHY, *president 1936-1978*

WALTER P. JONES, *editor, 1936-1974* C.K. McCLATCHY, *editor, 1974-1989*

GREGORY FAVRE, *executive editor* HOWARD WEAVER, *editor of the editorial pages*

FRANK R.J. WHITTAKER, *president and general manager*

Drug-sniffing overdose

Schools, courts and civil liberties activists have been wrangling over the appropriateness of using trained dogs to sniff out illegal drugs on campus, a tactic employed by increasing numbers of schools in what for now is a losing battle against student drug use. But there should be little question that Galt High School's use of drug-sniffing dogs to conduct suspicionless searches of students' personal belongings intrudes too far on the students' constitutional rights.

With legal help from the American Civil Liberties Union, a Galt High teacher and two of his students are challenging as unreasonable the Galt Joint Union High School District's policy allowing unannounced inspections of lockers, cars, desks and personal belongings. And well they should.

According to a complaint filed in U.S. District Court last week by teacher Michael Millet and the students, senior Jacob Reed and junior Chris Sulamo, Galt's vice principal entered Millet's criminal justice class on Feb. 6, ordered all 30 students to exit the room but to leave their hats, jackets and other belongings behind to be sniffed. Reed refused to give up his belongings and was sent to the principal's office, where he says he was ordered to submit to a search of his belongings, his pockets and the socks he wore. No drugs were found.

During the search of the classroom, a dog showed interest in a jacket and book bag belonging to Sulamo, who was sent to the principal's office. There, with a police officer present at his request, his pockets, clothing and socks were searched. The principal also disassembled his pens. Nothing illegal was found. The school district has declined to discuss the students' allegations until it has examined the suit.

In addition to questioning the wisdom of disrupting a lesson, introducing dogs into a classroom and randomly separating students from their personal belongings, mothers and fathers all over may want to know why the principal searched the clothing Reed and Sulamo were wearing without their parents present.

In their legitimate desire to keep drugs off campus, schools all over the state are using dogs. But there are less intrusive ways to use them: The Elk Grove Unified School District, for example, only allows the dogs to sniff lockers and parked cars, and only while students are in class, thus avoiding both disrupted class time and students' direct exposure to the dogs. That, at least, limits the search to property that belongs to the school – its lockers and parking lot. Galt's approach is far more invasive.

If there's a positive aspect in any of this, it's that two students and their teacher have embarked on what promises to be a memorable lesson in the Constitution's protections of individual liberties, and how far they extend to minors on a high school campus. This may be the courts' first opportunity to rule on whether this kind of dog-sniffing policy oversteps constitutional protections against random search and seizure. From this angle, the answer ought to be yes.

909-S

Additional copies of this publication may be purchased for $3.25 per copy (includes shipping and handling), **plus current California sales tax.**

Senate Publications
1020 N Street, Room B-53
Sacramento, CA 95814
(916) 327-2155

Make checks payable to SENATE RULES COMMITTEE.
Please include Senate Publication Number 909-S when ordering.